

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

THE UNITED STATES OF AMERICA, :
VS : Case No. 5:05-CR-13(HL)
: October 29, 2007
: Macon, Georgia
RICHARD BEN GLAWSON, DEFENDANT.:

 Volume I of III

CRIMINAL JURY TRIAL

BEFORE THE HONORABLE JUDGE HUGH LAWSON
UNITED STATES DISTRICT JUDGE, PRESIDING

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1 P R O C E E D I N G S

2 OCTOBER 29, 2007

3 THE COURT: All right, this is United States of
4 America against Richard Ben Glawson. Is the government ready?

5 MR. CALHOUN: The government is ready, Your Honor.

6 THE COURT: Is the defendant ready?

7 MR. HOGUE: We're ready, Your Honor.

8 THE COURT: Any preliminaries?

9 MR. CALHOUN: Not by the government, Your Honor.

10 THE COURT: All right, ask the jury to come in,
11 please.

12 (*Jury In; 9:55 a.m.*)

13 THE COURT: Good morning, ladies and gentlemen.

14 JURORS: Good morning.

15 THE COURT: We are about ready to begin. I
16 apologize for the delay, but it could not be helped. Let the
17 jury be sworn, please.

18 DEPUTY CLERK: Ladies and gentlemen of the jury,
19 please raise your right hand and repeat after me: I do
20 solemnly swear that I shall well and truly try the issues
21 herein now joined in this indictment and a true verdict make
22 according to the law and evidence, so help me God.

23 THE COURT: Now, ladies and gentlemen, you have been
24 impaneled to try the case of the United States of America
25 against Richard Ben Glawson. Mr. Glawson is charged with the

1 offenses of distribution of cocaine base, distribution of
2 marijuana, possession with intent to distribute marijuana,
3 felony possession of a firearm, and escape from federal
4 custody.

5 This is a criminal case as contrasted to a civil case.
6 Criminal trials result when a person accused of a crime in an
7 indictment returned by the grand jury enters a plea of not
8 guilty, thereby denying all of the essential allegations of
9 the indictment.

10 The allegations of the indictment as opposed by the
11 plea of not guilty forms the issues which you must try and
12 resolve, namely whether the defendant is, in fact, guilty or
13 not guilty of the crimes or any of the crimes charged in the
14 indictment.

15 It is essential that you understand the fact that the
16 defendant has been indicted does not constitute any evidence
17 of guilt, nor should you infer that the defendant is guilty
18 just because he has been indicted. The indictment is merely
19 the manner in which the charges are brought before the court
20 for a trial.

21 The defendant enters upon this trial presumed to be
22 innocent. This presumption of innocence remains with and
23 protects the defendant until and unless it is overcome by
24 evidence sufficient to satisfy you beyond a reasonable doubt
25 of the defendant's guilt.

1 The burden of proving the guilt of the defendant rests
2 upon the government, that is, the government must prove each
3 essential element of the offense charged in the indictment
4 beyond a reasonable doubt.

5 A reasonable doubt is just what it says. It is a
6 doubt based upon reason. It is the doubt of a fair-minded,
7 impartial juror, honestly seeking the truth. It is a doubt
8 arising from the evidence, from a lack of evidence, from a
9 conflict in the evidence, or from any combination of these
10 things, but it is not an arbitrary nor a capacious doubt.

11 However, the government is not required to prove the
12 guilt of the defendant beyond all possible doubt. Moral and
13 reasonable certainty is all that can be expected in a legal
14 investigation, but no person shall be convicted upon
15 speculation or conjecture.

16 It will be your duty to ascertain the truth of the
17 case from a factual standpoint from the evidence and only from
18 the evidence presented before you during the trial. It will
19 be my duty to determine what law is applicable to the case and
20 to instruct you on that law, and I will do that at the
21 conclusion of the trial.

22 You will then take the law as I explain it to you and
23 apply it to the facts of the case as you find the facts of the
24 case to be, and by this application of law to fact and of fact
25 to law you will arrive at a verdict in the case.

1 One of your most important functions is to determine
2 the credibility or the believability of the witnesses. In
3 passing upon their credibility and in determining the weight
4 to be given to the testimony of the witnesses, you may
5 consider all of the facts and circumstances of the case, the
6 witnesses' manner of testifying, their intelligence, their
7 means and opportunity for knowing the facts to which they
8 testify, the probability or improbability of their testimony,
9 their interest or lack of interest in the outcome of the case
10 and their personal credibility insofar as that may
11 legitimately appear from the trial of the case.

12 The evidence in the case will consists of two things:
13 Testimony of the witnesses and exhibits. Testimony is what
14 the witnesses say under oath from the witness stand. Exhibits
15 are documents, photographs, or other physical objects,
16 including audio or videotapes possibly which may be admitted
17 into evidence.

18 There are two kinds of evidence: Direct and
19 circumstantial. Direct evidence is the testimony of a witness
20 who asserts actual knowledge of a fact, such as an eye
21 witness. Circumstantial evidence is proof of a chain of facts
22 or circumstances indicating that the defendant is guilty or
23 not guilty. The law makes no distinction as to the weight
24 that you may give to either direct or circumstantial evidence.

25 In considering the evidence you may make deductions

1 and reach conclusions which reason and common sense lead you
2 to make and in doing so you should not be concerned about
3 whether the evidence is direct or circumstantial. You must
4 consider all of the evidence, but you are not required to
5 accept all of the evidence.

6 You should consider whether you believe or disbelieve
7 what each witness had to say and how important that testimony
8 was. You may believe or disbelieve any witness in whole or in
9 part. I caution you that what the lawyers say is not
10 evidence. The inferences and suggestions which the lawyers
11 make in their questions are not evidence.

12 The opening statements and concluding arguments of the
13 lawyers are not evidence. Moreover, anything that I may say
14 during the trial of the case is not evidence. The lawyers may
15 use charts or drawings to assist them in questioning witnesses
16 or in illustrating their arguments, but if these aids are not
17 admitted into evidence, then they will not go into the jury
18 room with you for your consideration.

19 The evidence, as I've said, is either the testimony of
20 the witnesses from the witness stand or the admitted exhibits
21 and nothing else. The trial will begin with the opening
22 statements of the attorneys, and in their opening statements
23 the attorneys will explain to you their contentions concerning
24 the facts of the case.

25 The government will then call and question its

1 witnesses and the government's witnesses will be cross
2 examined by defense counsel.

3 When the government has presented its evidence, then
4 the defendant may call witnesses and may present other
5 evidence if he wishes to do so, but the defendant is under no
6 obligation to present any evidence and no unfavorable
7 inference shall be drawn against the defendant if he does not
8 present evidence. The entire burden of proving the guilt of
9 the defendant rests upon the government. The defendant is not
10 required to prove his innocence.

11 Listen carefully to all of the evidence and don't jump
12 to conclusions before all of the evidence has been presented.
13 I'll give you additional instructions at the conclusion of the
14 trial. Meanwhile, we are ready to begin, and the government
15 may open.

16 MR. CALHOUN: Thank you, Your Honor. Good morning.
17 Ladies and gentlemen, this is a criminal case, as the court
18 pointed out. It is a case in which a defendant went on a --
19 for lack of a better word -- a crime spree that began
20 June 3rd, 2003 when he sold a quantity of crack cocaine and
21 continued up to November 30th, 2004, when he was stopped in a
22 car and marijuana was found in the car. It continued and
23 concluded on December 31st, 2006, when he escaped from the
24 Bibb County Jail in Macon, Georgia.

25 My name is Charles Calhoun. I'm one of the

1 prosecutors assigned to this particular case. It will be my
2 job to prove the elements listed on your indictment. At the
3 first table, my counsel table, is Ms. Verda Colvin. She's
4 also a prosecutor from my office, and she will be helping me
5 in the prosecution of this case. Seated next to her in the
6 tan suit -- I think it's tan -- is Special Agent Rafiq Ahmad
7 with the ATF. He is one of the case agents that investigated
8 the crimes alleged in the indictment.

9 Seated next to him in the white shirt is Milton
10 Hooper. Mr. Hooper is one of the technicians from our office.
11 He will be making sure that the computer stuff that we've
12 generated to help you understand the facts in this case work
13 properly.

14 The purpose of an opening statement, as the court
15 alluded to, is just to give you ladies and gentlemen an idea
16 what we, the government expects the evidence to show in this
17 particular case. I will basically present three types of
18 evidence during the course of this trial. The first type will
19 be live testimony.

20 Now, this live testimony will be from police officers,
21 case agents who were involved in the investigation of this
22 case. We will also have people, non-law enforcement type
23 people who were familiar with the defendant and who will
24 satisfy certain elements, particularly the element of identity
25 as it relates to the defendant.

1 In addition to the live testimony, the government also
2 intends to produce videotapes, and what the case agent did in
3 this particular case, each one of the buys, each one of the
4 purchases of crack cocaine or marijuana from the defendants
5 was videotaped, and we intend to offer the videotapes during
6 the course of this particular trial.

7 Now, some of the videotapes are better than other
8 videotapes. Some of the audiotapes are better than other
9 audiotapes. And what we've done to kind of help you follow
10 the audiotapes is to draft transcripts, and it is hoped that
11 these transcripts will help you follow the evidence in this
12 particular case.

13 We will also have photographs. Now, the photographs
14 came from the videotapes. As I mentioned a moment ago, each
15 time the defendant sold some illegal drugs that was
16 videotaped, and what we did with Mr. Hooper, the gentleman in
17 the white shirt, was to go back and pull still photographs of
18 each one of those videotapes, again, to assist you in
19 following the chronology of the case.

20 We'll also have documentary evidence, and one example
21 of that is we have the actual bond paperwork that was used by
22 the defendant when he escaped from the Bibb County Jail.

23 Now, each of you have been provided with copy of
24 indictment. I noticed that most of you have it in your hand.
25 I want to talk a little bit more about that indictment as it

1 relates to the evidence that will be presented to you during
2 the course of this trial. You will notice that it says United
3 States. That indicates that this is a federal criminal case.
4 You will also notice it says United States versus Richard Ben
5 Glawson.

6 And I expect the evidence to show that during the
7 course of this trial the defendant rarely if ever used his
8 right name being Richard Ben Glawson. You will notice that
9 during the course of this trial he on occasion used Terry
10 Green, he on occasion used Ricky Odom, he on occasion used
11 Cary Glawson or Terry Butler during various aspects of this
12 trial.

13 You also will notice that the indictment is divided
14 into counts. As memory serves me, I think there are seven
15 counts on your indictment. Now, each one of those counts
16 represents a crime which the government alleges that the
17 defendant committed. Now, some of these crimes are different
18 and some of these crimes are similar, and I'm going to go over
19 those with you right now.

20 I draw your attention to Count One of the indictment.
21 Now, Count One charges that on June 3rd, 2003 -- and that's
22 the date that's alleged in the indictment, that's the date the
23 crime is alleged to have committed, that's the date that the
24 government will focus on in presenting its case -- it is
25 alleged that the defendant distributed or sold a quantity of

1 crack cocaine. Now, as you might expect, and I'm sure it's a
2 surprise to no one, the sale of crack cocaine is a crime. It
3 is a federal crime. If that were not the case, then none of
4 us would be here this morning. So Count One charges that the
5 defendant sold a quantity of crack cocaine.

6 Now, Count Two is a little bit different from Count
7 One. Count Two also alleges a sale of an illegal substance,
8 but this sale of illegal substance is not crack cocaine. In
9 Count Two it's alleged that on June 4th, 2003, the defendant
10 sold a quantity of marijuana. So the only difference between
11 Count One and Count Two is both allege different drugs, but
12 the foundation of both is that a sale of illegal substance
13 took place.

14 Count Three alleges that on June 20th, 2003, the
15 defendant sold a quantity of the crack cocaine. So, here
16 again, we're back to a sale case, alleging on that particular
17 date the defendant sold a quantity of crack cocaine.

18 Count Four, it is alleged on June 23rd the defendant
19 sold more than five grams of crack cocaine. So, here again,
20 we're dealing with another sale by the defendant of an illegal
21 drug, that being crack cocaine.

22 Now, Count Five is a little different. Here, instead
23 of a sale case, it is alleged that on that particular occasion
24 referred to in the indictment the defendant possessed an
25 illegal drug, that illegal drug being marijuana, and at the

1 time he possessed it, he possessed it with intent to
2 distribute it. That's just another fancy way of saying he
3 possessed it with the intent to sell it.

4 Count Six of your indictment is totally different.
5 There are certain individuals who because of their background
6 are not allowed to have a firearm, and the defendant falls in
7 that category. Count Six charges that the defendant possessed
8 a firearm on the date in the case, that date being July 3rd,
9 2003. He had a firearm in his possession and that firearm
10 being a nine millimeter Smith and Wesson pistol.

11 The last count, Count Seven of the indictment, alleges
12 that on or about December 26th, 2006, the defendant, after
13 having being placed in the Bibb County Jail by an order of the
14 district court judge -- not the judge who is presiding over
15 the case today, but a different judge -- that he escaped from
16 that facility. And those are the counts alleged in the
17 indictment.

18 I want to talk to you a little bit about the procedure
19 that Special Agent Ahmad and the other law enforcement
20 officers involved in this case followed before they actually
21 made the control purchases of crack cocaine from the
22 defendant, and the key word there being "controlled."

23 In terms of what the evidence will show in this
24 particular trial, this is not a situation in which you give a
25 person some money, and say, okay, you go out there, buy some

1 crack cocaine, and bring it back to me. It's not one of those
2 situations. Each one of those buys I just discussed with you
3 in the indictment was a controlled purchase of crack cocaine
4 or a controlled purchase of marijuana or a controlled purchase
5 of a firearm under the supervision of a law enforcement
6 officer.

7 Informants were used by the government, by the case
8 agent to make the purchase of crack cocaine, to make the
9 purchase of marijuana, and to make the purchase of the firearm
10 from the defendant.

11 Now, these informants, as you may guess, are people
12 who themselves have been caught dealing in cocaine, have been
13 caught dealing in firearms, and what they did, these
14 informants -- there are two of them, one is named Katina Fort,
15 the other's name is James Jordan -- they were both indicted in
16 federal court -- and as part of their plea agreement, they
17 agreed to assist law enforcement officers in investigating
18 other people, such as the defendant, Mr. Glawson, who
19 themselves were involved in the distribution of illegal drugs.
20 And their motivation for doing that was to get their time
21 reduced or get their time cut.

22 Now, following along, again, on the whole procedure
23 used before purchases of crack cocaine were made in this case,
24 the case agent, in order to document the particular purchase,
25 had these informants, either Ms. Fort or Mr. Jordan to make a

1 recorded phone call to the defendant, and you will notice
2 during the course of the trial that each time there was a
3 purchase of crack cocaine or a purchase of marijuana that a
4 phone call was made by one of these informants to this
5 defendant.

6 And during those phone calls the informant, either Ms.
7 Fort or Mr. Jordan, discussed various aspects of the purchase.
8 They would discuss the amount, they would discuss where the
9 purchase was to take place. All those calls were recorded,
10 and you will hear those recordings during the course of this
11 particular trial.

12 And another thing that law enforcement is required to
13 do before one of those informants goes out to actually make a
14 purchase, and this was done in this particular case, was each
15 one of those informants before going out to make a buy from
16 this defendant, that informant was searched, that informant's
17 car was searched to make sure they were not hiding any
18 contraband on themselves or in their cars. That was done
19 before each one of the buys in this case.

20 And also the money that was used by these informants
21 to make the purchase of illegal drugs from this defendant was
22 provided by law enforcement. It was not a situation where
23 they went to their own pockets and provided the money to make
24 the buys; the money was provided by law enforcement.

25 And another significant aspect when you're talking

1 about controlled purchases as was the case in this case is
2 surveillance. As I mentioned a moment ago, these informants
3 were not just let loose to go buy crack cocaine or marijuana
4 from this defendant. Instead, Special Agent Ahmad and another
5 agent actually followed them from the meeting location to the
6 location where they met with the defendant. That was on each
7 one of those buys those informants were followed to the
8 location.

9 And another critical aspect of the surveillance was
10 that the officers, at least one officer hid in the bushes with
11 a camcorder. It was not a fancy-dancy, high-tech camcorder.
12 It's probably like one you would have at your house. And what
13 that officer did while he was hiding in the bushes was to
14 video record the meetings between these informants and the
15 defendant at the time the defendant either sold the crack
16 cocaine, sold the marijuana, or sold the firearm, and we have
17 those videotapes.

18 Those videotapes a lot of times will not capture the
19 hand-to-hand sale of the firearm or the hand-to-hand sale of
20 the crack cocaine or the hand-to-hand sale of the marijuana
21 because on some of those occasions the defendant sold the
22 contraband in a bathroom. So you won't have a videotape of
23 that, but you will have a videotape of the informants actually
24 meeting with the defendant.

25 Now, let me in terms of what the evidence will show

1 kind of go over with you factually what I anticipate the
2 evidence will show after each one of those buys alleged in the
3 indictment. In order to assist me and also to assist you,
4 I've asked Mr. Hooper to do a diagram. I'll explain the
5 diagram, if the court will allow me to go over here so I won't
6 be in the jury's way. Put up the first diagram.

7 THE COURT: Sure.

8 MR. CALHOUN: Now, you'll notice that the very
9 first diagram alleges a date, that date being June 3rd, 2003,
10 which is Count One of your indictment. On that date the
11 evidence will show that the informants, both of the
12 informants, met with law enforcement officers. They were
13 searched and the vehicle was searched, and during that meeting
14 the informant made a phone call to Mr. Glawson and arranged
15 for the sale of a quantity of crack cocaine.

16 And following that phone call, the evidence will show
17 that the informant met Mr. Glawson at the Hooters restaurant
18 here in Macon, Georgia, and while at that location Mr. Glawson
19 sold the informant a quantity of crack cocaine, and there will
20 be a videotape of that buy.

21 The videotape will show Mr. Glawson arriving at the
22 Hooters in a white truck with an orange bed liner. That
23 videotape will show the informant parking beside Mr. Glawson's
24 white vehicle. That videotape will show the informant getting
25 out of her car, getting in Mr. Glawson's truck where the

1 transaction actually took place, where Mr. Glawson actually
2 sold the crack cocaine. That videotape will also show Mr.
3 Glawson leaving the Hooters after the crack cocaine had been
4 sold by the informant.

5 The next date, June 4, 2003, which should correspond
6 to Count Two of your indictment, on that date a different
7 informant was used, that being Mr. James Jordan, and as was
8 the case on June 3rd, 2003, Mr. Jordan made a recorded
9 telephone call to Mr. Glawson. They arranged to meet at
10 McDonald's Restaurant in Macon, Georgia. You will have a
11 videotape of the defendant, Mr. Glawson arriving in that same
12 white truck with the orange bed liner that he used on June
13 3rd. You will see the informant going into the bathroom, you
14 will see Mr. Glawson and the informant coming out of the
15 bathroom, and the drug transaction on this occasion actually
16 took place inside the bathroom. So you have the telephone
17 call setting up the deal, and you have a videotape of the
18 actual meeting.

19 The third diagram should correspond to Count Three of
20 your indictment. And on June 20th, 2003, Mr. Jordan again
21 made another phone call to the defendant to arrange a purchase
22 of crack cocaine, and true to form, the defendant arrived at
23 that McDonald's in that same white pickup truck that was used
24 on two prior occasions with the signature orange bed liner in
25 the back, and sold the informant, Mr. Jordan, a quantity of

1 crack cocaine.

2 On June 23rd, 2003, which should correspond to Count
3 Four of your indictment, Mr. Jordan again met with law
4 enforcement officers, a consensually monitored recorded
5 telephone call was made to the defendant, and as a result of
6 that phone call the defendant agreed to meet the informant
7 back at McDonald's, the same McDonald's that had been used on
8 June 4th and June 20th. Now, you will have the videotape of
9 the defendant showing up in that same white truck with the
10 signature orange bed liner, and during that video the
11 defendant sold the informant a quantity of crack cocaine.

12 On the next chart, July 3rd, 2003. During that
13 June 23rd, 2003 purchase, there was a discussion about the
14 sale of a firearm by the defendant. That same firearm is
15 mentioned in Count Six of your indictment. That sale took
16 place on June 3rd, 2003 at a Chevron station here in Macon,
17 Georgia. We have a videotape or maybe one photo of the
18 defendant arriving at that station and actually selling the
19 firearm to the informant.

20 The next one, November 30th of 2003, this is a totally
21 different informant. On November 30th, 2003, a guy by the
22 name of Chris Westfaul. Chris had been stopped in a vehicle
23 long before November 30th and a quantity of marijuana was
24 found in his vehicle, and he was arrested for that. At the
25 time of his arrest he agreed to cooperate in the investigation

1 of Mr. Glawson. As part of his cooperation, what he did, he
2 made a call to Mr. Glawson to arrange for Mr. Glawson to bring
3 a quantity of marijuana -- I think it was a quarter pound of
4 marijuana -- to him at a local body shop. Well, when Mr.
5 Glawson showed up, the police were waiting on him, he was
6 detained, arrested, and a quarter of a pound of marijuana was
7 found inside his vehicle.

8 And the last diagram there, which is December 31st,
9 2006 corresponds to the last count of your indictment, and
10 prior to December 31st, 2006, Mr. Glawson had been placed by
11 order of a federal judge in the Bibb County Law Enforcement
12 Center, which is a local jail here in Macon, Georgia.

13 He was able to escape from that facility by exchanging
14 the identity with another subject who was being held at the
15 Bibb County Law Enforcement Center, which brings me to the
16 last diagram. In order to understand how Mr. Glawson was able
17 to escape from the Bibb County Law Enforcement Center or the
18 Bibb County Jail, I put together this diagram, and I want to
19 focus on the left-hand portion of that diagram, particularly
20 the top portion.

21 You will notice that across from Mr. Glawson's name
22 there's an inmate by the name of Card. Now, Mr. Card had been
23 placed in the Bibb County Jail because he got into a little
24 altercation with his sister, and due to that altercation an
25 arrest warrant for family violence was taken out on him, and

1 he was placed in the Bibb LEC. Mr. Card, because of the
2 nature of the charge, couldn't make a bond. There was a \$400
3 bond that he was allowed to make, but he didn't have the money
4 to make it, so he couldn't get out.

5 So what Mr. Glawson did -- who was not subject to a
6 bond and who was not supposed to be released from Bibb County
7 LEC -- the evidence will show that Mr. Glawson charmed up to
8 Mr. Card and was able to get from Mr. Card Mr. Card's phone
9 number, his mother's name and his address, and with that
10 information Mr. Glawson called his girlfriend, Angina Johnson,
11 who is the name directly below Mr. Glawson, and what he did,
12 Mr. Glawson told Ms. Johnson that I need \$400 to make this
13 bond.

14 Now, keep in mind he's not supposed to make the bond.
15 Ms. Johnson was able to come up with the \$400, she called
16 Melonise Taunton, who is Mr. Glawson's sister and gave her the
17 money, and once they got the money, they contacted Janet Card,
18 Mr. Card's mother. Then Carswell and Taunton went to Allstate
19 Bonding and was able to secure a bond in the name of Mr. Card.

20 Well, they took that bond up to the service desk.
21 You'll notice the little square, you see service desk. That
22 bond was given to a lady by the name of Jacquelyn Ridley, and
23 when Ms. Ridley got the bond, she inputted it into the
24 computer Card, and then she contacted the section of the jail
25 known as male booking, where Lynn Mattox was working and told

1 Ms. Mattox that there was a bond in the system for Card.

2 Well, Ms. Mattox contacted west control where both the
3 defendant and the Card guy were living. They had two separate
4 cells. But when they called back to west control, and they
5 sent an officer back to get Card, they had switched cells.

6 The evidence will show that Glawson was in Card's
7 cell, and Card was in Glawson's cell. So when they went back
8 to get him, they brought who they thought was Card, and it
9 turned out to be Mr. Glawson, and Mr. Glawson walked out of
10 Bibb County Jail assuming the identity of Mr. Card.

11 Now, ladies and gentlemen, that's a brief overview of
12 what I expect the evidence to show in this particular case.
13 There's going to be a number of other types of evidence that
14 will be called on during the course of this particular trial
15 and on behalf of the U.S. Attorney's Office, we thank you for
16 your time and participation.

17 MR. HOGUE: Imagine if you will a mistake so severe
18 that a person finds himself seated in a federal courtroom, a
19 United States District Court, indicted for serious felony
20 charges. Imagine further that it's not just a mistake, but a
21 series of mistakes growing like an avalanche coming down the
22 mountainside collecting everything in its path. Throw in a
23 couple of witnesses from the government that you will hear
24 from in this case who have an interest in the case, that is,
25 they have something to gain, informers, a handful of false

1 statements and perhaps even lies, and what you have is what we
2 have here this week, a man innocent sitting here on trial for
3 seven serious violent -- serious crimes.

4 Now, you've got perhaps notepaper there, I see, and
5 you're going to be able to follow the evidence by perhaps
6 doing something like this, putting down on one side mistakes,
7 and on the other side, lies, and putting in there whether a
8 witness who comes forwards and testifies has made an honest
9 mistake that might not matter, but it might or whether the
10 witness may be trying to deceive you.

11 Now, if Mr. Hooper could do something for me and put
12 back up the government's very first chart there just to give
13 you an example by the way we're beginning this case so that
14 you can follow and note what these witnesses provide, and I
15 presume the government put this chart together, and I also
16 presume what you see on there are some mistakes already.

17 For example, you see it says November 30th, 2003 as
18 one of the alleged crimes. You've been given the indictment.
19 You can look at Count Five, and you can see that the grand
20 jury alleges that the crime occurred on November 30th of 2004.
21 Mistake? Probably. You also see that the symbol for
22 McDonald's is in that November 30, 2003 box on that chart, but
23 I believe what we're going to hear is some testimony about a
24 drug deal that went down at an auto body shop. I don't
25 believe there's going to be any McDonald's anywhere.

1 Now, you might want to note that as you listen to the
2 evidence in this case and see what that might mean to you.
3 You also notice that the last box up there says December 31st
4 of 2006, but if you look at Count Seven of your indictment
5 you'll see the crime is alleged by the grand jury to have
6 occurred on December 25th, 2006. A difference that matters, a
7 mistake? Perhaps.

8 You also heard Mr. Calhoun say that it's not Lynn
9 Maher, but Mattox; again, a mistake. But that's the kind of
10 thing that can grow and that you're going to hear from the
11 witness stand as the government calls its witnesses, and I put
12 them to the test in this case by cross examining each of them.

13 If you'll notice also in your indictment Counts One
14 through Four and Count Six all occur within a short period of
15 time. So they all kind of go together. They're all the ones
16 Mr. Calhoun told you are caught on videotape.

17 Now, what you'll notice by the evidence though, and I
18 want you to note it as you see it, those are June and July of
19 2003. Mr. Glawson wasn't arrested then. No one was arrested
20 then. It was a year and a half later before he was arrested.
21 And all of the evidence in those five counts will hang on your
22 ability to discern who it is in a videotape, who it is on an
23 audiotape, whose name isn't Richard Glawson, whose people, the
24 informers dealing with him, with this person, this target,
25 don't even know the name Richard Glawson, they use a

1 completely different name. And you'll want to ask what phone
2 number do they use, who does it connect to, who does any of it
3 connect to. Is it Richard Glawson? Those are the things
4 you're going to want to note.

5 You're going to hear in Count Five the marijuana count
6 which didn't happen at McDonald's, but at some auto body shop,
7 there's another person. Now, Mr. Glawson is there too, and he
8 gets arrested. But you'll need to hear whether he was simply
9 there.

10 What you can do, ladies and gentlemen, as you listen
11 to the case is ask yourselves what would the perfect case look
12 like if the government wanted me to come in here and hear
13 evidence for a few days and then decide a man's fate to
14 pronounce him guilty, what should they bring to me to convince
15 me, to remove every reasonable doubt from my mind, and then in
16 the other column put there what did they bring to me, is it
17 perfect, is it enough. That will be the question in the case.

18 And we'll put the government's case to the test. How?
19 Through cross examination, through questioning closely the
20 witnesses as to their ability to see and hear and to their
21 truthfulness, and that will be how you decide at the end of
22 this case whether they have overcome their burden of proof and
23 proved to you beyond a reasonable doubt that this man who sits
24 here in this courtroom today is guilty or not. And we'll come
25 and ask you to find him not guilty.

1 MR. CALHOUN: The government calls Rafiq Ahmad.

2 DEPUTY CLERK: Do you solemnly swear that your
3 testimony in this case shall be the truth, the whole truth,
4 and nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 DEPUTY CLERK: State your name for the jury and
7 spell your first and last name.

8 THE WITNESS: Members of the jury, my first name is
9 Rafiq, it's R-a-f-i-q, my last name is Ahmad, A-h-m-a-d.

10 MR. CALHOUN: May I proceed, Your Honor?

11 THE COURT: Please.

12 **RAFIQ AHMAD**

13 Witness, having first been duly sworn, testified on

14 DIRECT EXAMINATION

15 BY MR. CALHOUN:

16 Q. Mr. Ahmad, how are you employed?

17 A. I'm a special agent with the Bureau of Alcohol, Tobacco
18 and Firearms.

19 Q. How long have you had that job?

20 A. I have been with ATF now for 20 years.

21 Q. Can you describe to the jury what your duties are with
22 ATF?

23 A. Currently my duties include criminal investigative --
24 investigations or cases as it relates to alcohol, tobacco,
25 firearms and explosives, and here in this region, mostly

1 firearms and explosives.

2 Q. Did you participate in the investigation of a Richard Ben
3 Glawson?

4 A. Yes, I did.

5 Q. And is Mr. Glawson in court today?

6 A. Yes, he is.

7 Q. Point to him and please describe what he has on.

8 A. Yes, sir. He's sitting to the right of Mr. Hogue at the
9 defense counsel's table while wearing a gray top.

10 Q. At the time you initiated your investigation, did you
11 know Mr. Glawson by a different name?

12 A. Yes.

13 Q. What name was that?

14 A. I knew him by two other names, Terry Butler and Terry
15 Green.

16 Q. Now, what offenses or what crimes were the subject of
17 your investigation at the time you began your investigation of
18 Mr. Glawson?

19 A. Beginning of the investigation, it was crimes involving
20 possession of narcotics with intent to distribute and
21 possession of a firearm.

22 Q. Were you assisted in your investigation by other law
23 enforcement officers?

24 A. Yes.

25 Q. And what agencies and officers were they?

1 A. Bibb County Sheriff's Department, and specifically,
2 officer -- Deputy Joseph Whitehead.

3 Q. Now, as part of your investigation of Mr. Glawson, did
4 you have occasion to use informants?

5 A. Yes.

6 Q. How many informants did you use?

7 A. Two.

8 Q. And who were they? What were their names?

9 A. Katina Fort and James Jordan.

10 Q. Now, were Fort and Jordan related?

11 A. Yes.

12 Q. If so, how?

13 A. They were married.

14 Q. What led to Fort and Jordan to start to cooperate with
15 your agency?

16 A. In October 2002, if memory serves me correctly, both Mr.
17 Jordan and Ms. Fort were arrested for possession of narcotics
18 and possession of a firearm by a convicted felon.

19 Q. Were they paid?

20 A. No.

21 Q. Now, as part of their cooperation, what were they asked
22 to do?

23 A. They both indicated that they were able to buy quantities
24 of drugs and possible firearms from other individuals.

25 Q. Now, before using either one of those informants to

1 attempt the purchase of an illegal drug, either crack or
2 marijuana, did you meet with them in advance?

3 A. Yes.

4 Q. And did a meeting take place before any purchase of
5 illegal drugs?

6 A. Yes.

7 Q. And were you present at all those meetings?

8 A. Yes.

9 Q. Who else was present?

10 A. Joseph Whitehead and Billy Johnson.

11 Q. Is Joseph Whitehead currently deceased?

12 A. Yes.

13 Q. What was the purpose of meeting with the informants prior
14 to making any controlled purchase of illegal drugs?

15 A. There were several purposes, one of which was to search
16 the informants, both their person and their vehicle to ensure
17 that they did not have any drugs prior to the controlled
18 purchase. We also make arrangements to make a phone call to
19 the defendant which we would attempt to record, and we would
20 also outfit both of the informants with any equipment that was
21 needed to record any of the transactions, be that audio
22 equipment, either recorder or transmitter, and we would also
23 attach equipment to their vehicle to allow us to be able to
24 monitor that transaction.

25 Q. Now, which informant was used initially?

1 A. Initially, Katina Fort.

2 Q. Now, drawing your attention to June 3rd, 2003, did you
3 meet with both of those informants, Jordan and Fort?

4 A. Yes.

5 Q. And which informant was selected to actually make the
6 purchase on that occasion, that occasion being June 3rd, 2003?

7 A. June 3rd, it was Katina Fort.

8 Q. And why did you select Ms. Fort, as opposed to Mr.
9 Jordan, for the June 3rd, 2003?

10 A. Ms. Fort actually knew the defendant, and Mr. Jordan did
11 not.

12 Q. Now, during the meeting, did Ms. Fort make a phone call?

13 A. Yes.

14 Q. Were you present?

15 A. Yes.

16 Q. Was that call recorded?

17 A. Yes, it was.

18 Q. And who recorded that call?

19 A. That was recorded by Investigator Joseph Whitehead.

20 Q. What type of equipment was used to make that recording?

21 A. If memory serves me correctly, we used either a digital
22 recorder that we actually hook up to the telephone by way of
23 attaching a microphone to it.

24 Q. And how long did that call last?

25 A. That call was probably no more than about two to three

1 minutes.

2 Q. Who took possession of that tape after that phone call?

3 A. That would have been Investigator Whitehead.

4 Q. Were you present at the time?

5 A. Yes.

6 Q. Now, after the phone call, was Ms. Fort given some money?

7 A. Yes, she was.

8 Q. And how much money was she given?

9 A. If memory serves me correctly, on this particular
10 occasion we were purchasing I believe a half ounce of crack
11 cocaine, and I believe she was given \$500 for that purchase.

12 Q. And was Ms. Fort searched?

13 A. Yes.

14 Q. What type of vehicle was she operating at the time?

15 A. At the time she was driving a Chevy Cavalier, and it was
16 a convertible, it was a black Chevy Cavalier convertible.

17 Q. And was the vehicle searched?

18 A. Yes.

19 Q. And was any contraband found either on Ms. Fort or inside
20 the vehicle?

21 A. No, it was not.

22 Q. After the informants had been searched and been allowed
23 to make a telephone call, where did Ms. Fort go?

24 A. Ms. Fort left what we call -- when we initially meet, we
25 call that a briefing or staging location. Ms. Fort left that

1 location and proceeded to Hooters on Riverside Drive -- well,
2 actually it's on Arkwright Road.

3 Q. And did you follow them?

4 A. Yes.

5 Q. Where did you park in order to conduct your surveillance?

6 A. Ms. Fort, I believe, parked in the back parking lot, and
7 I parked -- myself and Investigator Whitehead -- parked across
8 the street from where she was in a hotel parking lot.

9 Q. Now, was this nighttime or daytime?

10 A. This was in the daytime.

11 Q. Now, after Ms. Fort arrived at this parking lot that you
12 just described, did you have occasion to see the defendant
13 arrive?

14 A. Yes, we did.

15 Q. And where was the defendant when you first saw him
16 arrive?

17 A. The defendant arrived in a white pickup truck and backed
18 his vehicle in beside Ms. Forte's vehicle.

19 Q. Now, did you notice any distinguishing characteristics
20 about that white pickup truck?

21 A. The white pickup truck had an orange bed liner. The cab
22 portion of it had an orange bed liner in it.

23 Q. Now, describe what you saw based on where you were
24 conducting your surveillance when Ms. Fort met the defendant
25 at the Hooters parking lot?

1 A. Once the defendant arrived, Ms. Fort got out of her
2 vehicle and got into the defendant's vehicle on the
3 passenger's side.

4 Q. Now, did she have a transmitter -- she, being Ms. Fort --
5 have transmitter on her when she got in the defendant's
6 vehicle?

7 A. Yes.

8 Q. And could you overhear the conversation?

9 A. Yes.

10 Q. Did you see Ms. Fort when she got out of the truck?

11 A. Yes.

12 Q. Approximately how long did Ms. Fort stay inside the
13 vehicle?

14 A. Again, it was very brief, not more than five minutes.

15 Q. And did you see defendant when he left?

16 A. Yes.

17 Q. Which way did he go?

18 A. He drove out of the Hooters parking lot and proceeded
19 down toward, I believe it was Burger King, and then I think he
20 made a right and went south from our location.

21 Q. And where did Ms. Fort go?

22 A. Ms. Fort went back to our briefing or staging area.

23 Q. And what did she surrender when she got back to the
24 staging area?

25 A. Once she was at the staging area, she surrendered the

1 suspected crack cocaine to Investigator Whitehead.

2 Q. And were you present?

3 A. Yes.

4 Q. Now, Special Agent Ahmad, you have been provided with
5 some exhibits, I believe?

6 A. Yes.

7 Q. I want to draw your attention to exhibit number one.

8 A. I believe it's marked here as exhibit number one, yes,
9 sir.

10 Q. Do you recognize that exhibit?

11 A. Yes.

12 Q. What do you recognize that to be?

13 A. This is the truck that the defendant arrived to the
14 Hooters in.

15 Q. Does that photo fairly reflect how the truck looked when
16 you saw it on June 3rd, 2003?

17 A. Yes.

18 MR. CALHOUN: The government moves to admit number
19 one, Your Honor.

20 THE COURT: It's admitted.

21 MR. HOGUE: I haven't seen it yet, Your Honor. I
22 may have seen it somewhere along the way, but I don't know
23 which number --

24 MR. CALHOUN: These were taken from the video that
25 was provided to Mr. Hogue previously.

1 THE COURT: All right, show it to Mr. Hogue, please.

2 MR. CALHOUN: We're going to give Mr. Hogue copies
3 of all of them so he'll have them.

4 THE COURT: Well, let's get this settled before it's
5 admitted.

6 MR. HOGUE: Your Honor, I don't have any objection
7 to this if it's from the video that I presume will be
8 authenticated at this point. If that has not been done, I
9 don't believe it has, I guess these photos are coming from
10 some other source that hasn't been talked about yet. So I do
11 object at this point.

12 THE COURT: Well, the test here is not the source;
13 it's whether or not it's a fair representation of what it
14 purports to depict. Do you object that it's not that?

15 MR. HOGUE: Well, I don't know that I've heard
16 enough for me to know whether they are purporting it to be
17 what the photos depict. I don't think they've done that.

18 MR. CALHOUN: I think we have, Your Honor.

19 THE COURT: Well, the witness identified the
20 photograph and said what it was. I'm not sure that he used
21 the formulated words. Perhaps you would ask him that
22 question, Mr. Calhoun.

23 MR. CALHOUN: Yes, Your Honor.

24 BY MR. CALHOUN:

25 Q. Mr. Ahmad, in reference to exhibit one, do you recognize

1 that exhibit?

2 A. Yes, sir.

3 Q. What do you recognize that to be?

4 A. I recognize this to be a photograph of the defendant's
5 vehicle.

6 Q. And does that photograph fairly --

7 MR. HOGUE: Your Honor, may I interpose an objection
8 here. I've let it go several times now, but it is conclusory
9 of the government to ask and the witness to answer that any of
10 this is the defendant's whatever -- him, the vehicle. That's
11 the issue for the jury to decide, and the court's heard my
12 opening statement and the theory of our case. They can call
13 it the target or whatever they want, but defendant is what --

14 THE COURT: That's fair. That's fair. Whether or
15 not it was the defendant's vehicle is, in fact, a question for
16 the jury. So you'll have to describe it in another way.

17 MR. CALHOUN: Yes, Your Honor.

18 BY MR. CALHOUN:

19 Q. Special Agent Ahmad, was this the vehicle that you
20 observed on June 3rd, 2003?

21 A. Yes, that's correct.

22 Q. And does it accurately reflect how the truck looked when
23 you saw it on June 3rd, 2003?

24 A. Yes, sir, that's correct.

25 MR. CALHOUN: We offer exhibit number one, Your

1 Honor.

2 MR. HOGUE: No objection.

3 THE COURT: It is admitted.

4 MR. CALHOUN: Your Honor, we would like to publish
5 that exhibit by allowing Mr. Hooper to put it on the screen.

6 THE COURT: Very good. Well, go back. There are
7 two trucks. Which truck are you talking about?

8 BY MR. CALHOUN:

9 Q. Special Agent Ahmad, can you identify which truck you
10 previously testified about?

11 A. Yes. On the picture and on the video it would be the
12 truck to the farthest left.

13 THE COURT: All right, thank you.

14 BY MR. CALHOUN:

15 Q. Special Agent Ahmad, drawing your attention to
16 exhibit number two, do you have that in front of you?

17 A. Yes, sir.

18 Q. Do you recognize that exhibit?

19 A. Yes, sir.

20 Q. Is that another photo of the truck that you observed on
21 June 3, 2003?

22 A. Yes, sir.

23 Q. Does it fairly and accurately reflect how the truck
24 looked when you made the observation on June 3rd, 2003?

25 A. Yes, sir.

1 MR. CALHOUN: The government moves to admit number
2 two, Your Honor.

3 MR. HOGUE: No objection.

4 THE COURT: It is admitted.

5 MR. CALHOUN: I'd like to publish it to the jury,
6 Your Honor.

7 THE COURT: Very good.

8 BY MR. CALHOUN:

9 Q. Now, Special Agent Ahmad, reviewing the screen, is that
10 the truck that you just previously testified about?

11 A. Yes, sir.

12 Q. Special Agent Ahmad, do you have exhibit number three in
13 front of you?

14 A. Yes, sir.

15 Q. And do you recognize that exhibit?

16 A. Yes, sir.

17 Q. Is that a photo of the truck that you previously
18 testified about as well?

19 A. Yes, sir.

20 Q. And does that photo also accurately reflect how the truck
21 looked when you saw it on June 3rd, 2003?

22 A. Yes, sir, it does.

23 MR. CALHOUN: The government moves to admit number
24 three, Your Honor.

25 MR. HOGUE: No objection.

1 THE COURT: Admitted.

2 MR. CALHOUN: Like to publish it to the jury.

3 THE COURT: Go ahead.

4 BY MR. CALHOUN:

5 Q. Now, Special Agent Ahmad, there are three vehicles listed
6 on the screen, which one is the one that you testified about?

7 A. The one in question is the white vehicle in the middle
8 between the black vehicle and the green vehicle.

9 Q. Do you recognize the black vehicle parked to the left of
10 the truck?

11 A. Yes, sir, I do.

12 Q. What do you recognize that to be?

13 A. I recognize that to be the vehicle driven by Katina Fort.

14 Q. And that's the informant?

15 A. Yes, sir.

16 Q. And Special Agent Ahmad, do you have exhibit number four
17 in front of you?

18 A. Yes, sir.

19 Q. And do you recognize that exhibit?

20 A. Yes, sir.

21 Q. Is that also a photo of the truck that you just testified
22 about?

23 A. Yes, sir.

24 Q. Does that photograph also accurately reflect how the
25 vehicle looked when you saw it?

1 A. Yes, sir, it does.

2 MR. CALHOUN: The government moves to admit number
3 four, Your Honor.

4 MR. HOGUE: No objection.

5 THE COURT: Admitted.

6 MR. CALHOUN: Like to publish it to the jury.

7 BY MR. CALHOUN:

8 Q. Special Agent Ahmad, looking at the photo, are you able
9 to identify anyone standing in or near that truck?

10 A. Yes, sir.

11 Q. Who is that?

12 A. It's Katina Fort in the black shirt standing outside of
13 the black vehicle with her hand on the door handle or the
14 passenger side of the white vehicle.

15 Q. And Special Agent Ahmad, do you have exhibit number five
16 in front of you?

17 A. Yes, sir.

18 Q. And do you recognize that photo?

19 A. Yes, sir.

20 Q. And is that a photo of the truck that you saw on
21 June 3rd, 2003?

22 A. Yes, sir.

23 Q. And does it fairly reflect how the truck looked when you
24 saw it on that day?

25 A. Yes, sir.

1 MR. CALHOUN: The government moves to admit number
2 five, Your Honor.

3 MR. HOGUE: No objection.

4 THE COURT: Admitted.

5 BY MR. CALHOUN:

6 Q. Now, Special Agent Ahmad, looking at the screen, is that
7 the truck you just testified about?

8 A. Yes, sir.

9 Q. And do you recognize the person who appears to be either
10 getting in or getting out of the truck?

11 A. Yes, sir.

12 Q. And who do you recognize that to be?

13 A. That's Katina Fort.

14 Q. Now, you have in front of you exhibit number six, I
15 believe?

16 A. Yes, sir.

17 Q. Is that also a photo of the truck that you saw on
18 June 3rd, 2003?

19 A. Yes, sir.

20 Q. And does that picture fairly and accurately reflect how
21 the truck looked when you saw it?

22 A. Yes, sir.

23 MR. CALHOUN: The government moves to admit number
24 six, Your Honor.

25 MR. HOGUE: No objection.

1 THE COURT: Admitted.

2 BY MR. CALHOUN:

3 Q. Special Agent Ahmad, is that the truck that you just
4 testified about?

5 A. Yes, sir.

6 Q. And I noticed from looking at the photo, are you able to
7 see the bed area of the truck?

8 A. Yes, sir. Just slightly from this photo.

9 Q. Do you notice anything unusual about the bed area of the
10 truck?

11 A. Just that it appears to be the orange bed liner.

12 Q. Now, was Mr. Glawson arrested on June 3rd, 2003?

13 A. No, sir, he was not.

14 Q. Why was he not arrested?

15 A. We were initially trying to further the investigation, so
16 there was no intent to arrest him at that particular time.

17 Q. And when did you anticipate making another controlled
18 purchase from the person you knew as Mr. Glawson?

19 A. If memory serves me correctly, we had that scheduled for
20 the next day, for the following day.

21 Q. Would the following day have been June 4th, 2003?

22 A. Yes, sir.

23 Q. Drawing your attention to June 4, 2003, did you meet with
24 law enforcement officers on that date?

25 A. Yes, sir.

1 Q. Who all was present?

2 A. There were a number of officers present, but
3 specifically, Investigator Whitehead and Investigator Billy
4 Johnson were present at that particular meeting.

5 Q. Did you meet with either Ms. Fort or Mr. Jordan on that
6 day?

7 A. Yes, sir, we did. In fact, we met with both of them.

8 Q. And which informant as between Jordan and Fort were to be
9 used to make a purchase on that date?

10 A. On this particular date Mr. Jordan was going to be used
11 to make the purchase.

12 Q. Now, at this time were you still operating under the
13 belief that the defendant was either Terry Green or Terry
14 Butler?

15 A. That's correct.

16 Q. Now, when you met with Mr. Jordan, did he make a phone
17 call?

18 A. Yes, sir, he did.

19 Q. And were you present?

20 A. Yes, sir.

21 Q. Was that call recorded?

22 A. Yes, sir, it was.

23 Q. Who recorded that phone call?

24 A. Again, that was recorded by Investigator Joseph
25 Whitehead.

1 Q. And what equipment was used to make that phone call?

2 A. I believe it was just the standard recorder.

3 Q. Was that the same type of equipment that had been used on
4 June 3rd?

5 A. Yes, sir.

6 Q. Now, after the telephone had been recorded, what happened
7 to the tape?

8 A. Investigator Whitehead took possession of that.

9 Q. Now, after that phone call, was Jordan provided with a
10 transmitter?

11 A. Yes, sir.

12 Q. Was this the same type of transmitter that had been
13 provided on June 3rd, 2003?

14 A. Yes, that's correct.

15 Q. Was Jordan searched?

16 A. Yes.

17 Q. Was the vehicle searched?

18 A. Yes.

19 Q. Was he driving the same vehicle that had been seen on the
20 screen on June 3rd, 2003?

21 A. Yes. I believe he was driving that same vehicle that
22 day.

23 Q. Anything illegal found either in the vehicle or on the
24 person of Mr. Jordan when that search took place?

25 A. No, sir.

1 Q. Was he provided with some money?

2 A. Yes.

3 Q. How much money was Mr. Jordan provided with?

4 A. On this occasion we were purchasing an ounce of
5 marijuana, and Mr. Jordan was provided with \$125 for that.

6 Q. Now, after Mr. Jordan had been searched and provided with
7 the money and made the phone call, did he leave the meeting
8 location?

9 A. Yes.

10 Q. And did you follow him?

11 A. Yes.

12 Q. Who was with you when you followed Mr. Jordan?

13 A. Investigator Whitehead and Investigator Johnson.

14 Q. Where did Mr. Jordan go?

15 A. Mr. Jordan left this location, and initially we were
16 supposed to meet at Hooters, which was the same as the first
17 location, but the defendant changed that location and decided
18 to meet at the McDonald's.

19 MR. HOGUE: Your Honor, I'm going to make my
20 objection again. The defendant changed the location? Again,
21 that's the question for the jury for the trial. So target,
22 something, but not defendant. It's conclusory.

23 MR. CALHOUN: Your Honor, that particular area will
24 be covered when we call the informants anyway, so I'll go
25 along --

1 THE COURT: Say that again.

2 MR. CALHOUN: We will cover that area when I call
3 the informants themselves, so I think the objection is a fair
4 one.

5 THE COURT: All right.

6 BY MR. CALHOUN:

7 Q. Now, when you arrived, where did you go in order to
8 conduct your surveillance?

9 A. On this particular occasion I had multiple surveillance
10 posts, and the reason for that was because we were initially
11 set to use one location, and the target changed that location
12 at the last minute, which necessitated my having to move my
13 surveillance post from where I was to another location.

14 Q. And describe what you saw from your vantage point when
15 you were conducting surveillance?

16 A. Initially the target went to the gas station, which is
17 directly across the street from McDonald's, and I believe on
18 the last controlled buy that we did we had not necessarily
19 definitively identified the tag number for that vehicle. On
20 this occasion my original surveillance post was at the
21 McDonald's. From McDonald's I was able to walk across the
22 street to the gas station where the target vehicle was parked,
23 and I was able to observe the target vehicle by walking right
24 next to it and actually spoke to the target himself at that
25 particular time to positively identify the target visually,

1 went back to my surveillance post --

2 Q. Let me stop you a moment. You said you spoke to the
3 target, do you see the target here in court today?

4 A. Yes.

5 Q. And who is?

6 A. It's the gentleman sitting here at the defendant's table.

7 Q. The person you previously identified as being Glawson?

8 A. Yes.

9 Q. Now, describe what you saw from where you were.

10 A. From where I was initially I could see the target's
11 vehicle. As I said, I got out of my vehicle and pretended to
12 use the telephone just to maintain surveillance and then
13 walked across the street to the gas station. As I said, I
14 spoke to the target, went into the gas station itself and
15 bought a soft drink, came out, observe a vehicle and the tag
16 number, and went back to my surveillance post. At that time
17 the target vehicle moved from the gas station and appeared to
18 be heading toward where I was in my surveillance post, so I
19 moved to another surveillance post.

20 Q. And what did you observe?

21 A. I observed the target and the informant, in this
22 particular case Mr. Jordan, arrive at the McDonald's and go
23 inside the McDonalds.

24 Q. And based on what you observed, how long did Mr. Jordan
25 stay inside the McDonald's?

1 A. Not more than five minutes.

2 Q. And did you see Mr. Jordan when he left?

3 A. Yes.

4 Q. And did you follow him?

5 A. Yes.

6 Q. And where did you follow him to?

7 A. He went back to the briefing or staging location.

8 Q. What, if anything, did he surrender at this staging
9 location?

10 A. That staging location he surrendered the marijuana
11 purchase from the target to Investigator Whitehead.

12 MR. CALHOUN: Ms. Colvin, we're on exhibit seven
13 now?

14 MS. COLVIN: Yes.

15 BY MR. CALHOUN:

16 Q. Special Agent Ahmad, I think you have exhibit seven in
17 front of you?

18 A. Yes, sir.

19 Q. I'm going to ask you to look at exhibit seven, please.
20 Do you recognize the truck in that particular photo?

21 A. Yes, sir.

22 Q. Is that the truck that you previously referred to that
23 you saw on June 4, 2003?

24 A. Yes, sir.

25 Q. Does that photo fairly and accurately reflect how the

1 truck looked when you saw it on June 4, 2003?

2 A. Yes, sir.

3 Q. Now, is that the truck that you saw the target in while
4 you were conducting surveillance?

5 A. Yes, sir.

6 Q. Is that, the target that you previously referred to, is
7 that Richard Glawson?

8 A. Yes, sir.

9 MR. CALHOUN: The government moves to admit number
10 seven and publish it, Your Honor.

11 MR. HOGUE: No objection.

12 THE COURT: Admitted. Publish it.

13 BY MR. CALHOUN:

14 Q. Special Agent Ahmad, is this the truck that you were
15 referring to?

16 A. Yes, sir.

17 Q. And I noticed there's -- can you see the bed liner?

18 A. Yes, sir.

19 Q. Is that the same bed liner that you previously referred
20 to?

21 A. Yes, sir.

22 Q. There appears to be a subject in the truck. Were you
23 ever able to identify the subject in the truck?

24 A. No. I was not able to identify the subject by name.

25 Q. Drawing your attention to exhibit -- I believe it should

1 be exhibit eight -- do you have that in front of you?

2 A. Yes, sir.

3 Q. Do you recognize that truck shown in exhibit number
4 eight?

5 A. In exhibit number eight it really does not show the truck
6 except for the top. It mainly shows the target.

7 Q. And the target, do you see that target in court this
8 morning?

9 A. Yes.

10 Q. And who is that?

11 A. Mr. Richard Glawson.

12 Q. And does that photo fairly reflect how the truck and what
13 you've referred to as the target looked on June 4, 2003?

14 A. Yes, sir.

15 MR. CALHOUN: The government moves to admit number
16 eight, Your Honor.

17 MR. HOGUE: No objection.

18 THE COURT: Admitted.

19 BY MR. CALHOUN:

20 Q. Now, the person displayed in this photo, do you recognize
21 that person?

22 A. Yes, sir.

23 Q. Is that person in court today?

24 A. Yes, sir.

25 Q. Who do you recognize that to be?

1 A. Mr. Glawson.

2 Q. Now, do you notice anything different from the person you
3 saw in the exhibit number eight here and the person you
4 identified as Mr. Glawson?

5 A. Yes, sir.

6 Q. What difference do you notice?

7 A. The person in exhibit number eight has braided hair, and,
8 of course, Mr. Glawson does not currently.

9 Q. Do you have exhibit number nine in front of you?

10 A. Yes, sir.

11 Q. What is depicted on exhibit number nine?

12 A. This is the target vehicle, the same white vehicle with
13 the orange bed liner exiting the McDonald's.

14 Q. And does that photo fairly and accurately reflect how
15 that truck appeared when you saw it on June 4, 2003?

16 A. Yes, sir.

17 MR. CALHOUN: The government moves to admit number
18 nine, Your Honor.

19 MR. HOGUE: No objection.

20 THE COURT: Admitted.

21 BY MR. CALHOUN:

22 Q. Now, is that the white truck that you just referred to?

23 A. Yes, sir.

24 Q. And the person that's seated in that truck, who do you
25 identify that to be?

1 A. Mr. Glawson.

2 Q. Now, was Mr. Glawson arrested after that June 4th
3 sequence of events that you just described?

4 A. No, sir.

5 Q. Why was he not arrested?

6 A. Due to conversation that we had with the informants, we
7 believed that we could continue to further the investigation,
8 so we did not make an arrest at that particular time.

9 Q. All right, I'm drawing your attention to June 20th, 2003.
10 Did you meet with Mr. Jordan and Ms. Fort on that date?

11 A. Yes, sir.

12 Q. And for what the purpose?

13 A. The same purpose as previous purpose. We met to search
14 both of the informants, to search their vehicle, to outfit
15 them with any electronic equipment necessary and to place a
16 recorded phone call.

17 Q. And did the informant actually make a recorded phone
18 call?

19 A. Yes.

20 Q. Which informant made the phone call?

21 A. On this particular occasion it was Mr. Jordan.

22 Q. Were you present when that phone call was made?

23 A. Yes.

24 Q. Was that phone call recorded?

25 A. Yes.

1 Q. And who recorded the phone call?

2 A. That was recorded by Investigator Whitehead.

3 Q. And what type of equipment was used to make that
4 recording?

5 A. We used the recorder, the same as we had used in the two
6 previous buys.

7 Q. Now, how long did that phone call last?

8 A. Again, that was probably a very brief phone call, not
9 less than two to three minutes.

10 Q. What happened after the tape -- after the recording had
11 been made, what happened to the tape?

12 A. Investigator Whitehead secured the tape.

13 Q. After the phone call was the informant searched?

14 A. Yes.

15 Q. Was the vehicle searched?

16 A. Yes.

17 Q. Was any contraband found on either the informant or in
18 the vehicle?

19 A. No, sir.

20 Q. And were they supplied with a transmitter?

21 A. Yes, sir.

22 Q. Was it the same type of transmitter that had been used on
23 the prior occasion?

24 A. Yes, sir.

25 Q. And were they supplied with some money?

1 A. Yes, sir.

2 Q. After the informant had been supplied with the money and
3 had been searched and the vehicle searched, where did the
4 informant go?

5 A. The informant then proceeded to the target location,
6 which was in the same area as the two previous purchases. In
7 fact, we went to the same location as the previous purchase.
8 We went to a McDonald's.

9 Q. And who was with you when you went to McDonalds?

10 A. It was myself, Investigator Whitehead and Lieutenant
11 Billy Johnson.

12 Q. Where did you park in order to watch what was going on
13 between the informant and what you describe as a target?

14 A. If memory serves me correctly, we were parked directly
15 across the street in the gas station parking lot or somewhere
16 in that vicinity.

17 Q. Did you have a occasion to see the defendant arrive at
18 that location?

19 A. Yes.

20 Q. And what was he driving?

21 A. He was driving the same white truck with the orange bed
22 liner that we observed before.

23 Q. Can you tell the jury what you saw based on where you
24 were located at the time?

25 A. On this particular occasion the target had a little girl

1 with him. And I believe, if my memory serves me correctly, on
2 the previously recorded phone call he referred to that little
3 girl as his daughter. But he did have a little girl with him
4 when he came to meet at the location. Both of the informants
5 were present at that particular purchase, both Ms. Fort and
6 Mr. Jordan, and that particular controlled buy took place
7 outside in the parking lot, meaning that they did not go
8 inside the McDonald's as they had previously.

9 Q. And how many informants were observed by you outside in
10 the parking lot?

11 A. Two.

12 Q. That would be Mr. Jordan and Ms. Fort?

13 A. That's correct.

14 Q. Now, did you follow the informants after they left that
15 location?

16 A. Yes.

17 Q. And where did you follow them to?

18 A. We followed them back to our staging location.

19 Q. And what, if anything, did the informants turn over to
20 you?

21 A. At that particular time, if memory serves me correctly,
22 we bought an ounce of crack cocaine, and that was surrendered
23 to Investigator Whitehead back at the staging location.

24 Q. And were you present?

25 A. Yes, sir.

1 Q. Do you have exhibit number 10 in front of you?

2 A. Yes, sir.

3 Q. Do you recognize government's exhibit number 10?

4 A. Yes, sir.

5 Q. And what is depicted in number 10?

6 A. Government's exhibit number 10, in the background what
7 you actually see is a McDonald's delivery truck. The
8 individual to the far left in the photograph is Katina Fort.
9 The individual to the far right, standing to the rear of the
10 white truck is Mr. James Jordan, and the individual in the
11 middle holding the small girl is Mr. Glawson.

12 Q. Does that photo fairly reflect the events as you saw them
13 on June 20, 2003?

14 A. Yes, sir.

15 MR. CALHOUN: The government moves to admit number
16 ten, Your Honor.

17 MR. HOGUE: No objection.

18 THE COURT: Admitted.

19 BY MR. CALHOUN:

20 Q. Now, Agent Ahmad, do you see the informant on this
21 blow-up?

22 A. Yes, sir. Actually --

23 Q. Where is the informant?

24 A. There's one on the far left-hand side, which would be
25 right where the white arrow is pointing, the female is Katina

1 Fort. On the far right-hand side in the blue shirt is
2 Mr. James Jordan, standing to the rear of the white pickup
3 truck.

4 Q. And were you able to discern whether Mr. Glawson is
5 depicted on this photo?

6 A. Yes. Now, I couldn't say from this photo that that's
7 Mr. Glawson's face, because as you can see on the photo his
8 face is obstructed by a small child.

9 Q. Let's go to exhibit number 11. I'll ask you to look at
10 exhibit number 11, and what is depicted there?

11 A. This is a picture of Mr. Glawson entering the passenger
12 side vehicle -- passenger side of the white truck.

13 Q. Does that photo fairly reflect how the scene appeared
14 when you saw it on June 20th, 2003?

15 A. That's correct.

16 MR. CALHOUN: The government moves to admit number
17 11, Your Honor.

18 MR. HOGUE: No objection.

19 THE COURT: Admitted.

20 BY MR. CALHOUN:

21 Q. Do you recognize the person whose face is partially
22 covered by the door?

23 A. Yes, sir.

24 Q. Who is that?

25 A. Mr. Glawson.

1 Q. Do you have exhibit number 12 in front of you?

2 A. Yes, sir.

3 Q. Do you recognize what's depicted in exhibit number 12?

4 A. Yes, sir.

5 Q. What's that?

6 A. This is another picture of Mr. Glawson, but instead of
7 him looking to the side as a profile that you just saw, he's
8 looking forward as if looking directly at the camera.

9 Q. Does that photo fairly reflect how Mr. Glawson looked
10 when you saw him on June 20th, 2003?

11 A. Yes, sir.

12 MR. CALHOUN: The government moves to admit number
13 11, Your Honor.

14 MR. HOGUE: No objection. That was 12.

15 THE COURT: Admitted.

16 MR. CALHOUN: 12, I'm sorry.

17 BY MR. CALHOUN:

18 Q. Now, were you able to determine what the apparatus is on
19 Mr. Glawson's head when you saw him? What is that?

20 A. It's a pair of goggles.

21 Q. Now, do you have exhibit number 13 in front of you?

22 A. Yes, sir.

23 Q. And do you recognize that exhibit?

24 A. Yes, sir.

25 Q. What is that exhibit?

1 A. This is an additional photograph of Mr. Glawson.

2 Q. Is that also on June 20th, 2003?

3 A. Yes, sir.

4 Q. And does that photo fairly reflect what you saw on
5 June 20th, 2003?

6 A. Yes, sir.

7 MR. CALHOUN: The government moves to admit number
8 13, Your Honor.

9 MR. HOGUE: No objection.

10 THE COURT: Admitted.

11 BY MR. CALHOUN:

12 Q. Special Agent Ahmad, can you see the screen?

13 A. Yes, sir.

14 Q. Do you recognize that person on the screen?

15 A. Yes, sir.

16 Q. Do you see that person in court today?

17 A. Yes, sir.

18 Q. Who is that?

19 A. That's Mr. Glawson.

20 Q. Was Mr. Glawson arrested after that sale?

21 A. No, sir.

22 Q. Drawing your attention to June 23rd, 2003, did you meet
23 with the informants?

24 A. Yes, sir.

25 Q. And who was to make the purchase on June 23rd, 2003?

1 A. On June 23rd, it was again to be Mr. Jordan.

2 Q. And when you met with Mr. Jordan, did Mr. Jordan made
3 make a phone call?

4 A. Yes, sir, he did.

5 Q. And were you present?

6 A. Yes, sir.

7 Q. Was that phone call recorded?

8 A. Yes, sir.

9 Q. By whom?

10 A. Investigator Whitehead.

11 Q. And what type of equipment was used to make that
12 recording?

13 A. We used a standard recorder, the same as used in the
14 previous purchases.

15 Q. How long did that conversation last?

16 A. Again, it was a very brief conversation, no more than two
17 to three minutes.

18 Q. And what happened to the tape after the recording had
19 been made?

20 A. It was secured by Investigator Whitehead.

21 Q. And after that phone call was Mr. Jordan searched?

22 A. Yes.

23 Q. What type of car was he using on this occasion?

24 A. On this occasion, he had his Chevy Cavalier, but instead
25 of it being a convertible as the previous one was, it was I

1 think a teal-colored, hard top Chevy Cavalier.

2 Q. And was Mr. Jordan provided with some money?

3 A. Yes.

4 Q. And was he also given a transmitter?

5 A. Yes, sir.

6 Q. Now, was this the same transmitter that had been used on
7 the prior occasion?

8 A. Yes.

9 Q. Where did Mr. Jordan go after the phone call and after he
10 had been searched and after he had been provided with the
11 money?

12 A. Mr. Jordan proceeded to the previous location which was
13 McDonald's.

14 Q. Who was with him?

15 A. Katina Fort was with him.

16 Q. Now, did you follow them to that location?

17 A. Yes, sir.

18 Q. Do you recall where you parked in order to conduct your
19 surveillance?

20 A. On this occasion I believe we parked in the same
21 location, or a similar location as before, so we would have
22 been across the street at the gas station.

23 Q. How far were you from the gas station -- from where you
24 saw the informants?

25 A. The gas station is directly across the street, so it's a

1 four-lane street, so probably less than 100 yards.

2 Q. Did you have occasion to see Mr. Glawson while you were
3 conducting your surveillance?

4 A. Yes.

5 Q. And what was he driving?

6 A. He was driving the white pickup truck with the orange bed
7 liner.

8 Q. Was this the same truck you had seen on June 3rd, 2003,
9 June 4th, 2003?

10 A. Yes, sir.

11 Q. Now, describe what you saw when you saw the informants
12 arrive?

13 A. The informants arrived, I believe, before Mr. Glawson
14 did, and they were parked on the street side of the McDonald's
15 parking lot. So they would have been on the same side as was
16 previously seen in the last photo. However, Mr. Glawson did
17 not park on that side. He parked on the opposite side of the
18 McDonald's.

19 Q. And did the informant go inside McDonald's?

20 A. Yes.

21 Q. And how long did the informant stay inside McDonald's?

22 A. No more than five minutes, I don't believe.

23 Q. And when the informant came out of the McDonald's, what
24 direction did he go?

25 A. The informant went back to his vehicle. So his vehicle

1 was parked probably about 30 feet or so from the doorway, he
2 walked from his vehicle to the doorway, and then when he came
3 out of the McDonald's, he went back to his vehicle.

4 Q. Did you follow him -- him being the informant -- after he
5 left that location?

6 A. Yes. After he left in his vehicle -- we didn't follow
7 him ourselves, myself and Investigator Whitehead -- we had
8 other surveillance crews follow him to the staging location,
9 and myself and Investigator Whitehead followed Mr. Glawson's
10 vehicle.

11 Q. Well, you followed the target vehicle?

12 A. Yes, the target vehicle, I'm sorry.

13 Q. And where did you follow the target vehicle to?

14 A. We went north on I-75, and I believe we got off on
15 Riverside Drive and continued north on Riverside Drive. We
16 continued to follow Mr. Glawson until he pulled off into a gas
17 station, at which time we broke off the surveillance.

18 Q. Now, let me show you what you should have in front of you
19 marked as exhibit 14. Do you have that in front of you?

20 A. Yes, sir.

21 Q. And do you recognize that photograph?

22 A. Yes, sir.

23 Q. What's reflected in that photograph?

24 A. This photograph is a picture of Mr. James Jordan. As I
25 said, his vehicle was parked a short distance from the

1 doorway. So this photograph depicts Mr. Jordan walking from
2 his vehicle to the doorway of McDonald's.

3 Q. Does that photo fairly reflect the scene as you observed
4 it on June 23rd?

5 A. Yes.

6 MR. CALHOUN: The government moves to admit number
7 14, Your Honor.

8 MR. HOGUE: No objection.

9 THE COURT: Admitted.

10 BY MR. CALHOUN:

11 Q. Now, who is the person depicted in this scene?

12 A. That's Mr. James Jordan.

13 Q. That's the informant?

14 A. Yes, sir.

15 Q. Drawing your attention to exhibit number 15 -- which you
16 should have in front of you?

17 A. Yes, sir.

18 Q. Do you recognize that exhibit?

19 A. Yes, sir.

20 Q. And what is that?

21 A. This is a picture of Mr. Jordan exiting the McDonald's
22 restaurant.

23 Q. Does it fairly reflect how Mr. Jordan looked at the time
24 you made that observation?

25 A. Yes, sir.

1 MR. CALHOUN: The government moves to admit number
2 15, Your Honor.

3 MR. HOGUE: No objection.

4 THE COURT: Admitted.

5 BY MR. CALHOUN:

6 Q. Now, the gentleman coming out of McDonald's, who do you
7 recognize that to be?

8 A. That's Mr. James Jordan.

9 Q. And is that the McDonald's you just testified about?

10 A. Yes, sir.

11 Q. Drawing your attention to exhibit number 16 -- which you
12 should have in front of you?

13 A. Yes, sir.

14 Q. Do you recognize that photo?

15 A. Yes, sir.

16 Q. What is depicted on that photo?

17 A. This is a picture of Mr. Richard Glawson.

18 Q. And does that photo fairly reflect how you saw Mr.
19 Glawson when you made that observation?

20 A. Yes, sir.

21 MR. CALHOUN: The government moves to admit number
22 16, Your Honor.

23 MR. HOGUE: No objection.

24 THE COURT: Admitted.

25 BY MR. CALHOUN:

1 Q. The person seated in the cab of this truck, who do you
2 recognize that to be?

3 A. Mr. Glawson.

4 Q. Now, was Mr. Glawson arrested after that transaction?

5 A. No, sir, he was not.

6 Q. Did you anticipate making another transaction involving
7 Mr. Glawson?

8 A. Yes.

9 Q. Which informant was to be used on this next transaction?

10 A. It was to be Mr. Jordan.

11 Q. Drawing your attention to July 3rd, 2003, did you meet
12 with Mr. Jordan and Ms. Fort?

13 A. Yes.

14 Q. What was the purpose of that meeting?

15 A. We met with Mr. Jordan and Ms. Fort to record the
16 telephone conversation and to outfit them with any audio
17 equipment that they would need and to search the vehicle for
18 possible contraband.

19 Q. And during the meeting, who made the phone call?

20 A. Mr. Jordan made the phone call.

21 Q. And was that call recorded?

22 A. Yes, sir.

23 Q. By whom?

24 A. It was recorded by Investigator Whitehead.

25 Q. And what type of equipment was used to make that

1 recording?

2 A. We used just a standard recorder that we had used for the
3 previous purchases.

4 Q. How long did that recorded conversation last?

5 A. That conversation was also very short, no more than two
6 minutes.

7 Q. Do you recall what happened to the tape, the phone tape?

8 A. Yes, sir.

9 Q. What happened to it?

10 A. Investigator Whitehead secured that tape.

11 Q. Now, after that phone call, were the informants searched?

12 A. Yes.

13 Q. And was the car searched?

14 A. Yes.

15 Q. Was any contraband found either on the informant or in
16 the car?

17 A. No, sir.

18 Q. After the recorded phone call, did Mr. Jordan leave your
19 location?

20 A. Yes, sir.

21 Q. Did you follow him?

22 A. Yes, sir.

23 Q. Who was with you when you followed him?

24 A. Investigator Billy Johnson and Investigator Whitehead.

25 Q. Where did you follow Mr. Jordan to? What location?

1 A. Initial target location was a Chili's parking lot, which
2 would have been on Northside Drive. A Chili's, and I believe
3 there was a clothing store, Manseur's that was also at that
4 intersection. We had a couple of things happen. We had the
5 Bibb County deputy in a marked unit drive up to the location,
6 so we didn't feel like it was safe to meet there. And
7 additionally, Mr. Glawson called later on and said that he was
8 at the gas station probably about a half or a quarter mile
9 back down the road on Arkwright Road.

10 Q. What did you observe at the time you were conducting your
11 surveillance?

12 A. We observed Mr. Glawson's vehicle at the gas station, the
13 white truck with the orange bed liner and the informant's
14 vehicle, the Chevy Cavalier, the black one with the
15 convertible top at the gas station as well. They were meeting
16 with Mr. Glawson.

17 Q. How long did that meeting last?

18 A. That was a very short meeting, probably about two minutes
19 at the most.

20 Q. And after the informant left that location, was the
21 informant followed?

22 A. Yes.

23 Q. Where was the informant followed to?

24 A. Investigate Whitehead and myself followed the informant
25 back to our staging location, which was probably about less

1 than a quarter mile from where we actually made the purchase.

2 Q. What, if anything, did the informant turn over?

3 A. At that particular time the informant turned over a Smith
4 and Wesson nine-millimeter handgun purchased from Mr. Glawson.

5 MR. CALHOUN: May I approach, Your Honor.

6 Q. Agent Ahmad, let me show you what's marked as government
7 52 and 52A and ask you to examine those, please.

8 A. Government --

9 Q. Do you recognize those?

10 A. Yes, sir.

11 Q. What do you recognize those to be?

12 A. Exhibit 52 is a Smith and Wesson nine-millimeter firearm
13 that was surrendered to me by Mr. Jordan.

14 Q. And is that firearm in substantially the same condition
15 now as it was at the time it was surrendered to you by Mr.
16 Jordan?

17 A. Yes, sir.

18 Q. And how about the other -- I think it's exhibit 52A?

19 A. Yes. 52A is the magazine that was actually inside the
20 firearm at the time.

21 Q. And at the time the firearm was given to you, what did
22 you do with it?

23 A. I secured it and put the evidence tag on it at that
24 particular time and took it to the evidence vault. But --

25 Q. I'm sorry, go ahead.

1 A. Prior to doing that, I had to do what we normally do when
2 we find a firearm -- and when I say "we," I mean law
3 enforcement officers -- which is called render the firearm
4 safe.

5 Q. What is that?

6 A. In doing so, I would remove the source of ammunition,
7 which is the magazine, and any ammunition that was contained
8 in the firearm.

9 Q. Let me show you 52B. Do you recognize what's in 52B?

10 A. Yes, sir.

11 Q. What is that?

12 A. 52B are the seven rounds of ammunition that were taken
13 from the firearm, because the firearm was loaded at the time
14 that I secured it from Mr. Jordan.

15 Q. And you placed all two of those exhibits -- three of
16 those exhibits in your evidence room?

17 A. Yes, sir.

18 Q. And they remained there until today?

19 A. Yes, sir.

20 Q. Did you transport these exhibits to trial today?

21 A. Yes, sir.

22 MR. CALHOUN: The government moves to admit 52, 52A,
23 and 52B, Your Honor.

24 MR. HOGUE: No objection.

25 THE COURT: They are admitted.

1 BY MR. CALHOUN:

2 Q. Special Agent Ahmad, did you test fire this firearm?

3 A. Yes, sir.

4 Q. What was the result of your test fire?

5 A. It functioned as designed.

6 Q. What does that mean?

7 A. It means that when we actually put a round in the chamber
8 and pull the trigger, it actually expels the projectile as it
9 is designed to do.

10 Q. Okay. After Mr. Jordan had provided you with that
11 firearm, what did you do in order to further identify the
12 person in the white truck?

13 A. While myself and Investigator Whitehead and Lieutenant
14 Johnson went back to the staging location to have Mr. Fort --
15 I'm sorry, Mr. Jordan surrender the weapon that he had just
16 purchased, Investigator Whitehead placed a telephone call to
17 Deputy Marshall Hughes to see if he could stop the vehicle.

18 MR. HOGUE: Your Honor, I'm going to object if this
19 is hearsay what some other witness may have said. I don't
20 know if he can say what Whitehead said and who he talked to.
21 This witness has to answer what he personally did or said or
22 knows.

23 MR. CALHOUN: I don't have any argument with that,
24 Your Honor. I think my question may not have been responsive
25 by the witness.

1 THE COURT: All right, restate your question.

2 BY MR. CALHOUN:

3 Q. Do you know Officer Marshall Hughes?

4 A. Yes, sir.

5 Q. And who does he work for?

6 A. He's a Bibb -- was previously a Bibb County deputy
7 sheriff.

8 Q. How was he employed back in July 3rd, 2003?

9 A. At that time he was a Bibb County deputy.

10 Q. Now, did you personally contact Officer Hughes after
11 Jordan had provided you with that firearm?

12 A. No, sir.

13 Q. Do you have exhibit number 17 in front of you?

14 A. Yes, sir.

15 Q. I want you to look at exhibit number 17 for me. What do
16 you recognize that to be?

17 A. I recognize that to be Mr. Glawson and the white truck in
18 the background and what appears to be Mr. Jordan right beside
19 him.

20 Q. Does that photograph fairly reflect how the scene looked
21 when you observed it on July 3rd, 2003?

22 A. Yes, sir.

23 MR. CALHOUN: Government moves to admit number 17,
24 Your Honor.

25 MR. HOGUE: No objection.

1 THE COURT: Admitted.

2 BY MR. CALHOUN:

3 Q. Now, that photograph is a little bit fuzzy, but drawing
4 your attention to the person on the left, do you recognize
5 that person?

6 A. Yes, sir.

7 Q. Who do you recognize that to be?

8 A. Mr. Glawson.

9 Q. And the other person on the right, who do you recognize
10 that to be?

11 A. Mr. Jordan.

12 Q. And is this the Chevron station that you previously
13 testified about?

14 A. Yes, sir.

15 MR. CALHOUN: No further questions, Your Honor.

16 THE COURT: Let's take a short recess before we
17 begin cross. Step back to your jury room, ladies and
18 gentlemen.

19 *(Jury Excused; 11:25 a.m.)*

20 THE COURT: Before we recess, let me make an
21 observation, particularly to the security officer -- the
22 marshal. All right, you all sit down now and be quiet. We
23 got started an hour late. I don't know why. At this point it
24 really doesn't make any difference. I at first thought Mr.
25 Hogue was responsible for it. I've determined now that that's

1 not necessarily true. I don't want to re-plow the ground
2 that's past, but when we recess I want the defendant taken --
3 if he needs to go to the rest room or eat or do whatever, I
4 want him to go and do that, and then I want him in his seat
5 for the rest of this trial at the time that I say. If I say
6 we're coming back at 1:15, I want him in that chair.

7 Now, Mr. Glawson, if you want to change clothes or you
8 want to do anything else, you do that, but you be ready when
9 the marshals come for you. If you all need to make
10 arrangements to have him fed as soon as he gets up there
11 rather than getting his food after he gets there, I wish you
12 would do that, but I don't want any more delays.

13 DEPUTY MARSHAL: Yes, sir.

14 THE COURT: All right, let's take 15 minutes.

15 *(RECONVENED; ALL PARTIES PRESENT, JURY IN, 11:45 a.m.)*

16 THE COURT: All right, Mr. Hogue, let's proceed with
17 cross examination.

18 CROSS EXAMINATION

19 BY MR. HOGUE:

20 Q. Agent Ahmad, you said you have been in law enforcement
21 for 20 years or so?

22 A. Yes, sir.

23 Q. All right, now, you know when you work an undercover
24 operation sometimes y'all use uncover law enforcement officers
25 instead of informers, correct?

1 A. That's correct.

2 Q. And when you do that -- you use an undercover law
3 enforcement officer to buy drugs or a gun -- before you go
4 out, before the undercover officer goes out on the operation,
5 none of you make him submit to a search of his person, do you?

6 A. No. If he's an undercover officer, we don't.

7 Q. And you don't search his car?

8 A. No, sir.

9 Q. And you don't search his person or his car because he's a
10 fellow law enforcement officer and presumably you trust him,
11 right?

12 A. That's correct.

13 Q. So when you mention in each one of these different
14 occasions that someone searched the informers, you do that
15 because you don't trust them, right?

16 A. I'm not sure I would categorize it as such.

17 Q. Well, we'll go through it then. The reason you will
18 search the body of an informer in a drug deal is so that you
19 can be sure that that informer is not carrying drugs on him to
20 plant on the person that's the target, right?

21 A. That's correct.

22 Q. The reason you searched their car is exactly the same,
23 right?

24 A. That's correct.

25 Q. And you do that because you don't trust them?

1 A. Well, I guess the technical reason why I do that is so
2 that on cross examination when I'm asked by you if we actually
3 did that, then I can say yes, I have a certain knowledge that
4 this particular informant did not have any drugs on his or her
5 person prior to us making a controlled purchase.

6 Q. So in law enforcement, you're telling the jury, the only
7 reason y'all search snitches is because some defense lawyer
8 might ask you about it somewhere down the road?

9 A. Well, I don't think that's what I said or implied. I
10 said one of the reasons why we do that is to not give off the
11 impropriety that there was a possibility that this defendant
12 or so had drugs either on their person or in their vehicle.
13 So it's more of a safeguard than not trusting an informant.

14 Q. Well, let's reverse the question then. You're saying
15 that you trust the informers, and then, the only reason you're
16 doing the search is for this purpose right here?

17 A. No.

18 Q. In other words, if I wasn't up here doing this, you
19 wouldn't have had to search the informers?

20 A. No, I don't believe -- I hope I didn't imply to the jury
21 as well.

22 Q. You would do that anyway, right?

23 A. Yes.

24 Q. Unlike the other law enforcement officers, whom you would
25 not search, the reason that there's a difference is trust?

1 A. Well, one is a law enforcement officer, and one is an
2 unknown source.

3 Q. And the importance of that difference, of course, is one
4 you know and you work with him and you trust him, and the
5 other one you don't know, and they're snitches, they're
6 criminals, right?

7 A. Well, one I know, and one I don't know.

8 Q. All right. But am I right? One's in law enforcement and
9 one's a criminal?

10 A. Well, not all informants are criminals, but one's in law
11 enforcement, and one is not.

12 Q. Well, how about the ones in this case? Criminals?

13 A. Yes.

14 Q. Now, you said that of these two snitches you used that
15 you had to search one of them you used because, you said, she
16 knew the defendant. And those were your words. Now, the
17 defendant in this case is Richard Ben Glawson. She didn't
18 give you the name Richard Ben Glawson, did she?

19 A. No. You're asking me about the --

20 Q. That's a straightforward question. I'll rephrase it if
21 you're confused. You used Katina Fort on June 3, 2003
22 because, you told the jury, she knew the defendant. That's
23 what you said, right? Let's just talk about what you said
24 today.

25 A. Okay. Well, I was getting confused about what you were

1 saying as my words. I didn't refer to anybody as a snitch. I
2 used the informant, Ms. Katina Fort because the informant, Ms.
3 Katina Fort, did say that she knew the defendant previously.

4 Q. All right, that was my question. Then my next question
5 was this. Ms. Fort did not tell you that the person she knew
6 was named Richard Ben Glawson, did she?

7 A. No, she didn't.

8 Q. In fact, she told you that the target's name was Terry
9 Green?

10 A. Terry Green or Terry Butler was the name that he told
11 her.

12 Q. One or the other?

13 A. Yes. Well, he told her -- she said both. He said he had
14 used the name Terry Green -- used the name Terry Butler and
15 had his name legally changed to Terry Green.

16 Q. All right. Now, you wrote several reports in this case,
17 right?

18 A. Right.

19 Q. And a series of those reports that concerned these drugs
20 and gun deal that we just went over, you wrote somewhere,
21 looking at your report, I can see July the 9th of 2003?

22 A. That's possible.

23 Q. Do you have your report?

24 A. Can you tell me which report you're referring to?

25 Q. Well, how do you like to refer to them, by the submitted

1 by date, or what identifying mark do you use, and I'll use it?

2 A. You can use the report number.

3 Q. Report number?

4 A. Yes. It would be in the upper right-hand corner of the
5 report.

6 Q. All right, report 001.

7 A. Yes, sir.

8 Q. That says submitted by and in parentheses, date, and the
9 date I'm reading is 07/09/2003?

10 A. That's correct.

11 Q. Now, that date indicates that's the date on which you
12 wrote the report?

13 A. That's correct.

14 Q. Now, this first one, report 001 -- and, of course, just
15 to back up for a moment with a couple of foundational
16 questions -- when y'all write reports -- and you've been doing
17 this a long time -- the idea is to be complete; you want to
18 get in all the important information, right?

19 A. Yes.

20 Q. And, of course, you want the report to be accurate.
21 You're not going to be sloppy. You want it to be dead on,
22 right?

23 A. Well, that's what we strive for.

24 Q. And you certainly strive to be truthful; you don't make
25 up stuff, right?

1 A. That's correct.

2 Q. And you do that in part because you work a lot of cases,
3 you move on, I mean, here it is 2007, and we're reading and
4 talking about stuff that happened in 2003. So you gotta have
5 some way to remember it, right?

6 A. That's correct.

7 Q. And you'll review the reports in preparation for trial so
8 you can remember at least what you wrote back then, if not
9 what actually happened, right?

10 A. That's correct.

11 Q. Okay. So report 001 is your report talking about a June
12 20th, 2003, one of the counts we went over, right?

13 A. That's correct.

14 Q. And in that one you're giving some details, most of which
15 you've testified to about what happened that day, what was
16 purchased, and how it was set up and so on. Do you have that
17 report in front of you right now?

18 A. Yes, sir.

19 Q. The name Richard Ben Glawson appears nowhere in that
20 report, does it?

21 A. That's correct.

22 Q. Because you didn't know that name, and no one had spoken
23 that name to you on June 20th, 2003 or on July 9th, 2003 when
24 you wrote the report?

25 A. That's absolutely correct.

1 Q. Go to report 002. It also has a submitted by date of
2 07/09/2003, correct?

3 A. That's correct.

4 Q. And it, again, is another of your reports, this one
5 concerning the June 23, 2003 deal, right?

6 A. That's correct.

7 Q. And, again, Agent Ahmad, nowhere in this two-page, single
8 spaced report does the name Richard Ben Glawson appear, right?

9 A. That's correct.

10 Q. Because on July 9th, 2003, you'd not been told that name
11 by anybody?

12 A. That's correct.

13 Q. Including Ms. Fort?

14 A. That's correct.

15 Q. And I'm looking at report 003. You got that one?

16 A. Yes, sir.

17 Q. Also submitted by date of 07/09/2003, right?

18 A. That's correct.

19 Q. This one concerns the July 3rd gun deal, right?

20 A. Yes, sir.

21 Q. And, again, in this report of two single-spaced pages --
22 actually three pages. It goes over to a third page -- there's
23 no mention of the name Richard Ben Glawson, right?

24 A. That's correct.

25 Q. And, again, because you hadn't heard that name yet?

1 A. That's correct.

2 Q. So it wasn't until some time after July 9 that you
3 acquired the name Richard Ben Glawson and attached it to the
4 target whom you've identified today as Richard Ben Glawson,
5 right?

6 A. It was after July -- it was July 11th when we discovered
7 Mr. Glawson's identity, correct.

8 Q. Well, what you discovered was information that came to
9 you from another law enforcement officer that that's who he
10 thought it was, right?

11 A. That's correct.

12 Q. And so when you were looking -- and, Mr. Hooper, if you
13 could put up government's eight. So when you were looking at
14 that photo here in court this morning and you were saying to
15 the jury, that's Richard Ben Glawson, you didn't discern that
16 from the photo alone, did you?

17 A. No, sir, not from the photo alone.

18 Q. Nor from your observation on that date?

19 A. No.

20 Q. -- who it was, right?

21 A. That's correct.

22 Q. So these identifications have depended on information you
23 acquired from somebody else who attached a name to the person
24 that you're now obviously here to say is Richard Ben Glawson,
25 right?

1 A. Well, there are a number of ways that we actually came
2 about to know Mr. Glawson. But if I know Mr. Glawson --

3 Q. Don't go into those.

4 THE WITNESS: Your Honor, may I finish my response?

5 THE COURT: Let him finish his answer, and then you
6 can ask him another question. Go ahead.

7 MR. HOGUE: Well, if he's about to give hearsay, I
8 want to stop. We'll have those witnesses, I presume. My
9 question was fairly straightforward.

10 THE WITNESS: And I'd like to answer your question
11 if I'm allowed.

12 THE COURT: Wait a minute, repeat your question.

13 BY MR. HOGUE:

14 Q. Well, so Agent Ahmad, then when you identified these
15 photographs here today and said that's Richard Ben Glawson,
16 that's based upon information you acquired from others later
17 after the events?

18 A. Well, as I was alluding to in answering your question,
19 there were a number of different ways that we came to find out
20 that Mr. Glawson was, in fact, Mr. Glawson.

21 Q. But I didn't ask you those ways.

22 THE WITNESS: Your Honor, may I finish answering?

23 MR. HOGUE: He's not responsive.

24 THE COURT: Wait a minute. Don't argue with each
25 other. The question can be answered yes or no. Do that, and

1 then explain your answer.

2 THE WITNESS: Yes, sir.

3 MR. HOGUE: Yes or no.

4 THE WITNESS: Would you repeat the question?

5 BY MR. HOGUE:

6 Q. When you identified the person in government's
7 exhibit eight and those other photos here today, you said,
8 that's Richard Ben Glawson, he's the man sitting right next to
9 his lawyer. And my question to you was: You were able to do
10 that today based not on the photographs alone but on
11 information you acquired from others later?

12 A. That's correct.

13 Q. Okay.

14 A. Now, may I?

15 THE COURT: Yes, go ahead.

16 THE WITNESS: Now, after having --

17 MR. HOGUE: Your Honor, I haven't asked him another
18 question. He just answered my question.

19 THE COURT: He wants to explain his answer, and I'm
20 going to let him explain his answer. Let's go ahead.

21 MR. HOGUE: Your Honor, I suspect what he's going to
22 start doing though is telling us who told him what, and I
23 didn't ask him that.

24 THE COURT: You can't do that. That would be
25 hearsay. Go ahead.

1 THE WITNESS: What I was going to say, Your Honor,
2 is that upon obtaining Mr. Glawson's identity when the
3 question was asked, who do you recognize on the photo, I'm not
4 going to identify an individual as Mr. Green or Mr. Butler if
5 I know his name to be Mr. Glawson. So the question I was
6 asked was who does that depict on that photo. That's Mr.
7 Glawson. And regardless of what Mr. Glawson said his name was
8 at the time, his name was Mr. Glawson at that time. And at
9 the time I reviewed the photo, the photo was the same, it's
10 Mr. Glawson.

11 THE COURT: All right, we'll stop for lunch.

12 MR. HOGUE: We'll take that.

13 THE COURT: All right, we're going to stop for
14 lunch. We'll be in recess for an hour and 15 minutes. Please
15 be back in the jury room not later than 1:15. I ask you not
16 to discuss the case among yourselves nor with other people
17 outside of the jury room. One second, one second. When I
18 excuse you, go and have your lunch if you want to have lunch.
19 When you are finished and come back the courthouse, go
20 directly to the jury room. Wait there. Do not stand
21 downstairs or on this floor in the halls of the courthouse.
22 Wait for me in the jury room. Thank you. You are excused for
23 lunch.

24 *(Jury Excused, 12:02)*

25 THE COURT: Anything before we break, Mr. Calhoun?

1 MR. CALHOUN: No, Your Honor.

2 THE COURT: Mr. Hogue?

3 MR. HOGUE: No, Your Honor.

4 THE COURT: We'll be in recess.

5 (*RECONVENED; ALL PARTIES PRESENT, 1:15 p.m.*)

6 THE COURT: Is the government ready to proceed?

7 MR. CALHOUN: Mr. Hogue has --

8 THE COURT: Are you ready otherwise?

9 MR. CALHOUN: Ready, Your Honor.

10 THE COURT: Are you ready?

11 MR. HOGUE: Ready, Your Honor.

12 THE COURT: Ask the jury to come in please.

13 (*Jury In*)

14 THE COURT: All right, you may proceed.

15 CONTINUED CROSS EXAMINATION

16 BY MR. HOGUE:

17 Q. Agent Ahmad, let's talk for just a minute about this gun
18 that's been introduced into evidence. You're not a
19 fingerprint expert at all, are you?

20 A. No, sir, I'm not.

21 Q. And the gun was not sent to anyone for the purpose of
22 trying to lift fingerprints from it, was it?

23 A. No, sir, it was not.

24 Q. All right, now, you testified earlier this morning about
25 some phone conversations that were recorded, remember?

1 A. Yes, sir.

2 Q. And you talked about how those calls were placed to the
3 target, and as I understood it, it was the informers who
4 placed telephone calls to a phone number and spoke to a
5 person, and that was all taped; is that right?

6 A. That's correct. Well, actually they would hold on the
7 conversation. It would have been either myself or
8 Investigator Whitehead who actually dialed the phone number.

9 Q. Okay, so you dialed the phone number?

10 A. Not necessarily all the time. It was either myself or
11 Investigator Whitehead who would dial.

12 Q. And I'm looking in the same reports that we went over
13 earlier this morning, no phone numbers in there that I can
14 see; is that correct?

15 A. That's correct. It's not in that report. It's another
16 report.

17 Q. By you?

18 A. No.

19 Q. Okay. So I'm just talking to you about your report.

20 A. I understand that.

21 Q. So somebody recorded phone numbers that you or the other
22 investigator were dialing for the informers?

23 A. Are you saying if someone wrote down the number in the
24 report? Is that what you're asking me?

25 Q. Yes.

1 A. Yes.

2 Q. You did not do that?

3 A. No.

4 Q. And you did not do anything to track down by getting a
5 telephone person to tell you where those numbers traced to,
6 did you?

7 A. No.

8 Q. And to your knowledge nobody did that, did they?

9 A. Not to my knowledge. I know that I didn't. I can't
10 speak for what anyone else did.

11 Q. Well, you're the case agent, and you're familiar with the
12 whole case, right?

13 A. I'm familiar with what I did and what I was present for.

14 Q. Okay, so you're not familiar with the whole case. There
15 are parts of this case you don't know about?

16 A. I'm responding to your specific question. You asked me
17 if I knew if anyone else had tracked down the phone number,
18 and the answer to that is, no, I don't know if anyone else
19 tracked down the phone number.

20 Q. Okay, you're unaware of that. All right.

21 MR. HOGUE: That's all I have, Your Honor.

22 THE COURT: Anything else from the government?

23 MR. CALHOUN: No redirect, Your Honor.

24 THE COURT: All right, sir, you may go down, please.

25 Call your next witness.

1 MS. COLVIN: Your Honor, at this time the government
2 will call Lieutenant Billy Johnson.

3 DEPUTY CLERK: Do you solemnly swear that your
4 testimony in this case shall be the truth, the whole truth,
5 and nothing but the truth, so help you God?

6 THE WITNESS: I do.

7 DEPUTY CLERK: Please spell your name for the jury,
8 first and last.

9 THE WITNESS: Billy, B-i-l-l-y. Johnson,
10 J-o-h-n-s-o-n.

11 **BILLY JOHNSON**

12 Witness, having first been duly sworn, testified on

13 DIRECT EXAMINATION

14 BY MS. COLVIN:

15 Q. Could you please tell the jury your position currently
16 and where you're employed?

17 A. I'm employed by the Bibb County Sheriff's Office. I'm
18 presently assigned to the Middle Georgia Drug Task Force as a
19 deputy commander.

20 Q. And your rank is lieutenant; is that correct?

21 A. Yes, ma'am.

22 Q. Back on -- back in June of 2003, what were you duties at
23 that time?

24 A. I was the deputy commander of the task force.

25 Q. And in that capacity were you also considered the

1 technical person?

2 A. Yes, ma'am.

3 Q. Could you please relate to the jury what the technical
4 person of the drug task force responsibilities are?

5 A. I wire people up for electronic listening device, I make
6 recordings, and do other tasks that's related to electronic
7 surveillance.

8 Q. Did you have an occasion to be asked to participate in an
9 investigation regarding a target who you knew at the time was
10 Terry Butler or Terry Green?

11 A. Yes, ma'am.

12 Q. And could you tell the jury who that agent was who asked
13 for your participation?

14 A. Investigator Joseph Whitehead.

15 Q. And at that time what was his position with the Sheriff's
16 Department?

17 A. Investigator.

18 Q. And was he the lead investigator on this particular case?

19 A. Yes, ma'am.

20 Q. Now, did there come a time in June of 2003 that you were
21 asked to actually help with the surveillance of this
22 particular transaction?

23 A. Yes, ma'am.

24 Q. Could you please relate to the jury how you became
25 involved in that and what you did?

1 A. Investigator Whitehead needed someone -- needed a CI to
2 be wired up so that person could go and make a buy.

3 Q. And did you do that on June 3rd?

4 A. Yes, ma'am.

5 Q. Specifically, did that involve -- the June 3rd, 2003
6 incident, did that involve a Katina Fort?

7 A. Yes, ma'am, it did.

8 Q. Could you please relate to the jury what you did when
9 you -- quote-unquote -- wired her up?

10 A. I put a listening device in -- I believe in her purse, so
11 that the conversation between her and the target could be
12 recorded.

13 Q. And when you say the conversation, was this for the
14 purpose of making the controlled buy?

15 A. Yes, ma'am.

16 Q. Now, prior to the controlled buy, was there a telephone
17 call that you helped wire her up for?

18 A. On this --

19 Q. Or was that handled by Whitehead?

20 A. That was handled by Whitehead, yes.

21 Q. Now, this device that you put into her purse, how would
22 that transmit the audio portion of what was occurring?

23 A. The transmitter would transmit over radio frequency to
24 the receiver that I had inside the vehicle.

25 Q. And on this particular date, were you able to hear the

1 transaction as it occurred, namely on June 3rd, 2003 when Ms.
2 Fort met with the target?

3 A. Yes, ma'am.

4 Q. Now, have you had an occasion since that time to actually
5 listen to that recording?

6 A. Yes, ma'am, I have.

7 Q. What was the quality of that recording?

8 A. It was pretty fair. It had a little problems, but it was
9 pretty good.

10 Q. Was it somewhat garbled on the original?

11 A. Yes, ma'am.

12 Q. Let me show you what's been marked as government exhibit
13 18, and inside government's exhibit 18 is 18A, B, C, D, and E
14 for the purpose of identification. Could you please take a
15 moment and look at those?

16 (Pause)

17 Q. First, regarding exhibit 18A, could you tell the jury
18 what that represents?

19 A. It's a recorded conversations of the controlled buys.

20 Q. And have you had a chance since the controlled buys to
21 review that tape?

22 A. Yes, ma'am, I have.

23 Q. Does it accurately reflect what occurred on the dates of
24 these particular incidents, namely, June 3rd, June 4th,
25 June 20th, June 23rd, 2003?

1 A. Yes, ma'am, it does.

2 Q. As well as July 3rd, 2003?

3 A. Yes, ma'am.

4 Q. And has it been any alterations or any additions or
5 deletions from that particular recording?

6 A. No, ma'am, it haven't.

7 Q. If can you look now at government 18B.

8 A. Okay.

9 Q. Could you please relate to the jury what 18B represents?

10 A. It's a video cassette of the videos of the controlled
11 buy.

12 Q. And did you have an opportunity to observe those as they
13 were being recorded?

14 A. Yes, ma'am, I did. I did the recording.

15 Q. Do they accurately reflect what you remember occurring on
16 the dates of all the incidents in question?

17 A. Yes, ma'am, it does.

18 Q. The 3rd, 4th -- excuse me, the 4th, which is the buy, the
19 23rd, the 20th, and the 3rd of July?

20 A. Correct.

21 Q. Regarding government's exhibit 18C, do you recognize
22 that?

23 A. Yes, ma'am.

24 Q. And what is that?

25 A. This is pictures that I pulled from the video recording,

1 still photos of the subject that the controlled buys were made
2 from.

3 Q. And does that accurately represent what you pulled from
4 the recording on the date in question?

5 A. Yes, ma'am.

6 Q. And have there been any changes, deletions, or
7 alterations whatsoever?

8 A. No, ma'am.

9 Q. Regarding government's exhibit 18D, could you tell the
10 jury what that is?

11 A. This is a copy of the audio of the controlled buy that I
12 made to give to the U.S. Attorney's Office.

13 Q. And is it accurate and correct without any additions or
14 deletions?

15 A. Yes, ma'am.

16 Q. Regarding government's exhibit 18E, could you please
17 identify for the jury what that represents?

18 A. This is the original audio recording of the -- excuse me
19 -- yes, the audio recordings of the buy.

20 Q. And when you said the buy, is that all the buys involved
21 in this case regarding the person who you knew to be Terry
22 Butler?

23 A. Yes, ma'am.

24 MS. COLVIN: Your Honor, at this time the government
25 -- excuse me, strike that.

1 Q. Government's exhibit number 18, what does that represent?

2 A. This is the evidence bag that all the items was inside
3 of.

4 MS. COLVIN: At this time the government would seek
5 to introduce what's been marked as government's exhibit 18, 18
6 A through 18 E.

7 MR. HOGUE: I'm sorry, did you say 18A through E?

8 MS. COLVIN: Yes, as well as government's
9 exhibit 18.

10 MR. HOGUE: I don't have any objections to 18B, 18C,
11 and 18D, but I'm not clear what 18A and 18E are, and I may
12 have an objection if I understand what they are.

13 BY MS. COLVIN:

14 Q. Okay. Going back to government's exhibit 18A, Lieutenant
15 Johnson, could you please tell the jury again what that
16 represents?

17 A. These are the audio conversations of the CI calling the
18 target to set up the buys.

19 MR. HOGUE: All right, Your Honor, I object to 18A.
20 As I have heard it from two witnesses now, neither of those
21 witnesses made those recordings.

22 MS. COLVIN: And we can do this through the next
23 witness, Your Honor. The government will wait and admit 18A.

24 MR. HOGUE: And I understand 18E is the original of
25 18A? If so, the same objection.

1 THE COURT: Say that again, Mr. Hogue? You
2 understand --

3 MR. HOGUE: If 18E is the original audio of 18A,
4 then I make the same objection that I just made on 18A.

5 THE COURT: And your objection is what?

6 MR. HOGUE: The foundation has not been laid yet
7 with the proper witnesses, and I think the government said --

8 THE COURT: Are you going to have another witness?

9 MS. COLVIN: Yes, Your Honor, we can introduce those
10 once we call Ms. Fort as well as Mr. Jordan.

11 THE COURT: All right, why don't you reserve your
12 tender.

13 MS. COLVIN: Okay. Your Honor, at this time the
14 government will for clarity purposes again state the exhibits
15 that are being admitted: Government exhibit 18, government
16 exhibit 18B, 18D, and 18C.

17 THE COURT: All right, you have no objection to
18 those?

19 MR. HOGUE: Well, if I may just look at 18.

20 MS. COLVIN: Oh, that's just the bag.

21 MR. HOGUE: May I look at it quickly before I say
22 whether I have an objection or not.

23 *(Pause)*

24 MR. HOGUE: Your Honor, I do have an objection
25 because of the hearsay that's contained on it.

1 (*Aside*)

2 MS. COLVIN: Judge, in light of Mr. Hogue's
3 objection, I understand it says Mr. Whitehead, who is now
4 deceased, wrote this, despite it being the same target name as
5 what we've identified that he can't attest to this since it's
6 Mr. Whitehead's writing. Since it's just the bag, we will
7 withdraw this exhibit and just have the individual exhibits.

8 THE COURT: All right, 18B, C, and D are admitted.

9 MR. HOGUE: Your Honor, may we approach for a moment
10 on this exhibit?

11 THE COURT: Which one?

12 MR. HOGUE: 18.

13 THE COURT: She's withdrawn that.

14 MR. HOGUE: I know, but I want to make a different
15 observation concerning that.

16 THE COURT: All right.

17 (*SIDEBAR*)

18 MR. HOGUE: I'm going to make a motion for mistrial
19 because I objected to that bag because it contains the hearsay
20 of a witness who is not present and presumably will not be
21 present in this trial. In response to that objection, the
22 government's attorney announced in open court what the bag
23 contained, that it was the writing of Joseph Whitehead, who is
24 now deceased that identifies the suspect that we've identified
25 in this trial. Well, that's the very reason I objected to it.

1 So his confrontation rights under the U.S. Constitution have
2 been violated, and I move for a mistrial.

3 THE COURT: All right, your motion is denied.

4 (*BENCH CONFERENCE CONCLUDED*)

5 THE COURT: In connection with that motion, Mr.
6 Hogue, are there any curative instructions that you would like
7 the court to give to the jury at some point?

8 MR. HOGUE: Well, I could only answer that once I
9 know what the instructions would consist of.

10 THE COURT: Well, I'm asking you if you have any
11 suggested instructions. I'm not asking you to approve any
12 that I propose to give. I'm asking you if you have any that
13 you would propose I give.

14 MR. HOGUE: Certainly given enough time, I could
15 write one out for the court that I would like to have.

16 THE COURT: Anything that you would like for me to
17 say now?

18 MR. HOGUE: Not right off the cuff, but if given
19 some time, I could draft one for the court to give that might
20 cure the --

21 THE COURT: All right. Well, you know, sand is
22 running through the glass, but you think about it and work on
23 it, and when you have it ready, if you would like for me to
24 consider it, I'll be glad to do so.

25 MR. HOGUE: All right, I'll do that.

1 THE COURT: Very good. Go ahead.

2 MS. COLVIN: Thank you, Your Honor.

3 BY MS. COLVIN:

4 Q. Regarding the June -- each of the incidents, specifically
5 the June 3rd, you mentioned you had the transmitter in Ms.
6 Fort's purse?

7 A. Correct.

8 Q. Let me direct your attention to -- excuse me, that would
9 be June -- yes, June 3rd. Let me direct your attention to
10 June 4th, 2003. Did you also work as the surveillance person
11 on that particular date regarding the transaction that
12 occurred with Mr. Jordan?

13 A. Yes, ma'am, I did.

14 Q. Could you please relate to the jurors how you put the
15 transmitter on his person for that particular transaction?

16 A. On that particular date the transmitter was placed on the
17 subject's body, on Mr. Jordan's body.

18 Q. And were you able to listen to the transaction as it
19 occurred?

20 A. Yes, ma'am, I was.

21 Q. And you recorded the same in the items that you
22 previously identified?

23 A. Yes, ma'am.

24 Q. Regarding June 20th, 2003 again, that involved Mr.
25 Jordan?

1 A. Yes, ma'am, it did.

2 Q. And did you use the same type of transmitter that
3 particular day?

4 A. Yes, ma'am.

5 Q. And the information that occurred during that day, were
6 you able to record it?

7 A. Yes, ma'am.

8 Q. The quality of all of these, is it the same? Each of
9 these transactions?

10 A. Yes, ma'am.

11 Q. Okay, would you say some of the transactions are better
12 quality as far as audio than others?

13 A. Yes, ma'am, some of them.

14 Q. Could you tell the jury what occurs on some occasion to
15 make the quality less audible than other times?

16 A. It could be interference from, you know, cell phones,
17 vehicles, and the distance that you're away from the receiver
18 and the transmitter.

19 Q. Where were you at the time of, say, the June 20th, 2003
20 transaction?

21 A. We was across the street, and there was a lot of traffic
22 that night.

23 Q. And that's across Riverside Drive?

24 A. No. The incident occurred at the corner of Riverside
25 Drive and Tom Hill.

1 Q. Okay.

2 A. We was across the street from -- we was across the street
3 on Tom Hill, and the incident was on Tom Hill as well.

4 Q. July 3rd, 2003, regarding the transaction between Jordan
5 and the target, where was the transmitter placed that day?

6 A. What was that day?

7 Q. July 3rd, 2003.

8 A. It was placed on Mr. Jordan's body as well.

9 Q. And, again, was that particular incident captured on
10 video?

11 A. Yes, ma'am.

12 Q. In connection with your capacity as surveillance
13 technician in this case as well as the technician who helped
14 prepare this case for trial, did you have an occasion to take
15 the exhibits that we previously mentioned today regarding
16 exhibit 18A, B -- the ones that were admitted within the
17 packet -- were you able to take those exhibits and then
18 transfer them onto another recording device?

19 A. Yes, ma'am.

20 Q. Could you please relate to the jurors what you did and
21 why you did this?

22 A. When I did, I took the audio and separated each one and
23 put it on an individual CD.

24 Q. And was that for trial purposes?

25 A. Yes, ma'am.

1 Q. Let me show you what's been marked as government's
2 exhibit 24 and 26 for the purpose of identification. Do you
3 recognize those?

4 A. Yes, ma'am.

5 Q. And what are those?

6 A. These are phone conversations -- phone calls between the
7 target and the CI and the video.

8 Q. And which one is the phone call? Could you refer to the
9 exhibit number?

10 A. 24.

11 Q. And which one is the video?

12 A. 26.

13 Q. And have you had an opportunity to review those?

14 A. Yes, ma'am.

15 Q. Do they accurately contain the information that you
16 observed on the date in question, namely regarding exhibit 26?

17 A. Yes, ma'am, it does.

18 Q. Regarding June 20th, 2003, did you have an occasion to
19 create government's exhibit 27, 29 and 29A?

20 A. Yes, ma'am, I did.

21 Q. Could you please relate to the jurors what government's
22 exhibit 27 is?

23 A. 27 is the phone conversation between the CI and the
24 target.

25 Q. And was that conversation on June 20th, 2003?

1 A. Yes, ma'am.

2 Q. Regarding government's exhibit 29, could you please
3 relate to the jury what that is?

4 A. This is the video of the purchase -- well, the sale case
5 between the CI and the target.

6 Q. And is that also June 20th?

7 A. June 20th, yes, ma'am.

8 Q. 2003. And government's exhibit 29A?

9 A. This the audio of the drug transaction for June 20th,
10 2003.

11 Q. Regarding June 23rd, 2003, let me show you what's been
12 marked previously as government exhibit 33 and government
13 exhibit 33A. Could you take a moment and for identification
14 purposes let the jury know what government exhibit 33
15 represents?

16 A. It's a video of the sale case on June 23rd, 2003.

17 Q. And government exhibit 33A?

18 A. A, is the drug transaction audio conversation on
19 June 23rd, 2003.

20 Q. Let me show you now what's been marked as government
21 exhibit 31 for the purpose of identification. Could you tell
22 the jury what that represents?

23 A. It's a phone call between the CI and the target on June
24 23rd, 2003.

25 Q. Let me show you finally, government exhibit 35 for

1 identification. Could you tell the jury what that represents?

2 A. It's a phone call between the CI and the target on July
3 3rd, 2003.

4 Q. And government exhibit 37?

5 A. It's a video recording of the sale case on July 3rd,
6 2003.

7 Q. Thank you, Lieutenant Johnson, that's all I have.

8 MR. HOGUE: No questions, Your Honor.

9 THE COURT: All right, sir, you may go down. Thank
10 you.

11 MS. COLVIN: Your Honor, at this time the government
12 would call Katina Fort. Judge, and if we may have just a
13 moment to bring her down. Thank you.

14 *(Pause)*

15 THE COURT: Be seated. Tell us your name, please.

16 THE WITNESS: Katina Rochelle Fort.

17 THE COURT: Swear the witness.

18 DEPUTY CLERK: Do you solemnly swear that your
19 testimony in this case shall be the truth, the whole truth,
20 and nothing but the truth, so help you God?

21 THE WITNESS: Yes.

22 DEPUTY CLERK: Would you please spell your name,
23 first and last for the jury, please.

24

25

1 THE WITNESS: K-a-t-i-n-a, F-o-r-t.

2 KATINA ROCHELLE FORT

3 Witness, having first been duly sworn, testified on

4 DIRECT EXAMINATION

5 BY MS. COLVIN:

6 Q. Good afternoon, Ms. Fort.

7 A. Good afternoon.

8 Q. Could you please state your full name for the jury?

9 A. Katina Rochelle Fort.

10 Q. Where are you currently residing?

11 A. In federal prison in Tallahassee.

12 Q. Let me show you what has been marked as government's
13 exhibit number 19. If you can take a moment to look at that,
14 each page (*handing to witness*). Do you recognize that
15 document?

16 A. Yes, ma'am.

17 Q. Could you please tell the jury what that is?

18 A. The plea agreement.

19 Q. Does it accurately reflect the plea agreement that you
20 remember executing back on April 10th, 2003?

21 A. Yes, ma'am.

22 MS. COLVIN: At this time, Your Honor, the
23 government would seek to introduce what's been marked as
24 government exhibit 19.

25 MR. HOGUE: No objection.

1 THE COURT: It is admitted.

2 MS. COLVIN: Thank you, Your Honor.

3 BY MS. COLVIN:

4 Q. Ms. Fort, let me ask you, on that date, namely,
5 April 10th, 2003, what did you plead guilty to?

6 A. Possession of a firearm by a convicted felon.

7 Q. And what sentence did you receive?

8 A. Five years.

9 Q. Let me ask you, as a part of your plea agreement, was
10 there anything promised or offered to you in exchange for your
11 cooperation or assistance with the government?

12 A. No, ma'am.

13 Q. Did you seek out federal officials regarding attempting
14 to help yourself after your entry of your guilty plea?

15 A. Yes, ma'am.

16 Q. Let me ask you, your plea itself, possession of a firearm
17 by a convicted felon, suggests you have underlying felonies;
18 is that correct?

19 A. Yes, ma'am.

20 Q. Could you please relate to the jury your underlying
21 felonies outside of this federal conviction?

22 A. Robbery by intimidation and possession of a firearm and
23 possession with the intent to distribute.

24 Q. And intent to distribute what narcotic?

25 A. Crack.

1 Q. Did you plead -- were you in prison for those particular
2 offenses?

3 A. Yes, ma'am.

4 Q. Did you -- after seeking out federal officials for the
5 purpose of attempting to assist yourself, who were those
6 officials that you came to come in contact with?

7 A. Investigator Whitehead and Rafiq Ahmad.

8 Q. And what, if anything, did you tell them that you would
9 be prepared to do?

10 A. Provide information.

11 Q. Did you, in fact, provide information regarding a person
12 who you knew as Terry Green or Terry Butler?

13 A. Yes, ma'am.

14 Q. Which name did you tell them of the person you knew of?

15 A. Terry Green.

16 Q. Was that the name that you had been introduced to the
17 individual as?

18 A. Yes, ma'am.

19 Q. Do recognize that individual in the courtroom today?

20 A. Yes, ma'am.

21 Q. Could you please tell the jury what that individual is
22 wearing and where he's seated?

23 A. A gray shirt.

24 Q. Which table? First or second table?

25 A. Right there.

1 Q. I understand what you're saying and the jury can see you,
2 but for the record for the purposes of the court reporter, I
3 have to have you identify where the person is located.

4 A. The second table.

5 MS. COLVIN: Let the record reflect the witness has
6 identified the defendant in the case, Mr. Glawson, as the
7 person she knew as Terry Green.

8 Q. Did you have an occasion to have a conversation with this
9 person back on June 3rd, 2003?

10 A. Yes, ma'am.

11 Q. Could you please relate to the jury how you came to have
12 this conversation and where you were at the time?

13 A. I was behind Cox Cable, the old Cox Cable building off of
14 Holt Avenue with Agent Whitehead.

15 Q. And was Agent Rafiq Ahmad there as well?

16 A. Yes, ma'am.

17 Q. What did you do?

18 A. I made a phone call to Mr. Green, he answered, and I told
19 him I wanted to purchase some crack cocaine from him.

20 Q. Did you tell him the quantity of crack cocaine you wanted
21 to purchase?

22 A. Yes, ma'am.

23 Q. Now, let me ask you, prior to June 3rd, 2003, how long
24 had you known this person that you knew as Terry Green?

25 A. Well, a couple of months.

1 Q. And when you told the person that you knew to be Terry
2 Green what you wanted, did you get a positive response?

3 A. Yes, but he told me it would be a minute.

4 MS. COLVIN: Your Honor, may I approach?

5 Q. Let me show what's been previously marked as government
6 exhibit 20 for the purpose of identification. Do you
7 recognize that?

8 A. Yes, ma'am.

9 Q. And those initials at the bottom of the page, whose
10 initials are those?

11 A. Mine.

12 Q. How did you come to put those initials on that particular
13 page?

14 A. I was spoken to by -- when I was spoken to by Agent Rafiq
15 Ahmad and Charles Calhoun.

16 Q. And was I present as well?

17 A. Yes, ma'am.

18 Q. And does that accurately reflect what you -- what was
19 said on that tape that day when you heard it, namely June 3rd,
20 2003?

21 A. Yes, ma'am.

22 MS. COLVIN: Your Honor, at this time the government
23 would seek to introduce what's been marked as government's
24 exhibit 20.

25 MR. HOGUE: As I understand it, Your Honor, 20 is a

1 single page of transcribed tape?

2 MS. COLVIN: That's correct.

3 MR. HOGUE: Well, it's been authenticated
4 sufficiently, Your Honor, but I think it would only come in
5 with limited admissibility and some kind limiting instruction
6 as to its use.

7 THE COURT: Are you offering the tape itself?

8 MS. COLVIN: I am, and I'm going to show her that
9 next, the tape and transcript.

10 MR. HOGUE: My position is, Your Honor, the tape
11 would be evidence once admitted, and the transcript would be
12 an aid for the jury, perhaps, but should be limited.

13 THE COURT: Well, that's consistent with my
14 understanding. Is there something here that I don't see, Ms.
15 Colvin? I mean, is this a transcript?

16 MS. COLVIN: That's fine, Your Honor. We can just
17 use it to aid the jury and not introduce it into evidence so
18 it won't be continuing testimony.

19 THE COURT: All right, so that leaves us with
20 government's 21, the cassette of the phone call -- or the
21 disk?

22 MS. COLVIN: Just one minute, Your Honor. The
23 cassette tape, Your Honor.

24 THE COURT: But that's number 21?

25 MS. COLVIN: If you refer back to 18, it's 18A.

1 It's inside the packet. Our exhibit list has some things on
2 it that we anticipated, but we decided to use another witness.

3 THE COURT: So we're now talking about 18A?

4 MS. COLVIN: Yes, Your Honor.

5 THE COURT: And you have tendered that?

6 MS. COLVIN: No, I'm going to show it to her and ask
7 her about it.

8 THE COURT: Very good.

9 BY MS. COLVIN:

10 Q. Ms. Fort, let me show you now what's been marked as
11 government's exhibit 18A for the purpose of identification.
12 Do you recognize that tape?

13 A. Yes, ma'am.

14 Q. Do you remember listening to that tape, which was --
15 which encompassed the conversation, the telephone conversation
16 that you had on June 3rd, 2003 with the target, Mr. Green?

17 A. Yes, ma'am.

18 Q. And have you listened to that conversation?

19 A. Yes, ma'am.

20 Q. Does it accurately reflect what you remember occurring on
21 that particular day?

22 A. Yes, ma'am.

23 Q. And this particular exhibit, namely government exhibit
24 20, does it accurately reflect what you heard, which was the
25 conversation that you had with the target on June 3rd, 2003?

1 A. Yes, ma'am.

2 Q. Any alterations whatsoever to that conversation?

3 A. No, ma'am.

4 MS. COLVIN: At this time the government would seek
5 to introduce what's been marked as government's exhibit 18A.

6 MR. HOGUE: Your Honor, my only remaining objection
7 to it will be the missing link in the chain of custody that
8 the government has pointed out through two previous witnesses,
9 so I object on that basis.

10 MS. COLVIN: Your Honor, if I can respond. The
11 missing link, of course, is Agent Whitehead, who is deceased.
12 This witness has identified this tape recorded conversation as
13 being the exact conversation that she had with the target
14 Mr. Green with no additions, no deletions. She was the person
15 there. Additional to that we had Lieutenant Johnson who
16 testified that -- strike that, because he wasn't involved in
17 that. But she has identified the recording and the
18 conversation as being accurate and that is sufficient in and
19 of itself.

20 THE COURT: All right, the objection is overruled.
21 18A is admitted.

22 MS. COLVIN: Thank you, Your Honor. If we could at
23 this time, Your Honor, pass outside the relevant transcript
24 and play that tape.

25 THE COURT: All right. Have you showed that

1 transcript to Mr. Hogue?

2 MS. COLVIN: Yes. Mr. Hogue has a copy of that.

3 Now, Your Honor, I would suspect the next thing he's going to
4 say -- we have transcribed many transactions from this tape,
5 and the first tab strictly deals with this phone call,
6 however, for convenience's sake we put them in one folder. If
7 the jury could be instructed to only turn to that tab one.
8 Hopefully that would cure any objection Mr. Hogue would have
9 to the fact that all of these transactions are --

10 THE COURT: Is that agreeable to the defense?

11 MR. HOGUE: Yes. I trust the jury on that, Your
12 Honor. My objection -- my reason for standing was to have the
13 court give a limiting instruction as to the use of this
14 transcript.

15 THE COURT: I'm going to do that.

16 MR. HOGUE: Thank you, Your Honor.

17 THE COURT: All right, pass out the transcript
18 booklets.

19 *(Pause)*

20 THE COURT: Do all jurors have one? Does any juror
21 not have one? Now, ladies and gentlemen of the jury, listen
22 carefully to what I am about to say. The government has
23 tendered into evidence for your consideration and the
24 consideration of the court a certain tape recording that they
25 contend reflects a certain transaction as Ms. Colvin and the

1 witness have described.

2 Whether or not the contents of that tape which you are
3 about to hear is, as contended by the government, is one of
4 the questions which you will have to decide in deciding this
5 case. And as I understand, Ms. Colvin, there will be other
6 tapes as well?

7 MS. COLVIN: That's correct, Your Honor.

8 THE COURT: And what I'm saying to you applies to
9 all of these tapes. It's not just a matter of you accepting
10 what the government says about the tapes. It's a matter that
11 you've got to decide based on the testimony and the evidence
12 that you hear about this particular evidence.

13 The government has also prepared what they contend to
14 be an accurate transcript of the contents of this tape, as
15 well as the others which you will hear. Whether or not this
16 is an accurate transcript of the tape is a matter which you
17 must decide.

18 The transcript itself is not the evidence. It has
19 been prepared by the government in an effort to aid you in
20 understanding that the tape says, but the paper itself is not
21 evidence. The only evidence is the tape. And I've said,
22 you've got to decide whether the tape contains what the
23 government contends.

24 You've also got to decide whether this document that
25 you are about to look at is accurate -- is as the government

1 contends -- and actually corresponds with what is said on the
2 tape. So, you need to bear those things in mind when you
3 consider what you are about to hear. Now, I don't have a copy
4 of that booklet. I suppose you have one?

5 MS. COLVIN: Yes, we do.

6 THE COURT: But we are dealing now with the document
7 under tab one in that little booklet, and all of these things
8 are bound up together, but I want you to turn first to tab
9 one, and that's the only thing that we are to consider. Don't
10 turn to the other tabs until you are instructed to do so. Is
11 that satisfactory, Mr. Hogue?

12 MR. HOGUE: Yes, Your Honor. Thank you.

13 THE COURT: All right, let's go forward.

14 MS. COLVIN: Thank you, Your Honor. Mr. Hooper, if
15 we could play the June 3rd, 2003 telephone conversation.

16 *(Tape played for the jury)*

17 BY MS. COLVIN:

18 Q. Ms. Fort, having heard that conversation, when you said
19 "a half," what were you referring to?

20 A. Crack cocaine.

21 Q. And at the end of that call when you were at the Cox
22 Communication area you talked about on Holt Road, what
23 happened?

24 A. I left from there and went to Hooters on Arkwright.

25 Q. Was that after you were prompted to come to that location

1 by the target, the person who you knew as Terry Green?

2 A. Yes, ma'am.

3 Q. Now, tell the jury what happened immediately prior to you
4 leaving to go to that area where you were meeting the target?

5 A. Agent Whitehead and Rafiq Ahmad, they searched my car,
6 and they searched me and my bag, and then they put the wire in
7 my bag.

8 Q. Was there another agent that you remember at the scene,
9 namely a Lieutenant Johnson who did the transmitter? Do you
10 remember?

11 A. Yes, ma'am.

12 Q. And that transmitter was put in your bag?

13 A. Yes, ma'am.

14 MR. HOGUE: Your Honor, I'm going to object to all
15 the leading questions of this witness. She needs to remember
16 this or not.

17 MS. COLVIN: I'll rephrase, Your Honor.

18 THE COURT: All right.

19 BY MS. COLVIN:

20 Q. Where did you place your bag once you left the area?

21 A. With Cox Cable?

22 Q. Yes.

23 A. It was in the car with me.

24 Q. And when you arrived at Cox Cable, what did you do? I'm
25 sorry, when you arrived -- excuse me -- to Hooters, what did

1 you do?

2 A. I sat in my car and waited for Mr. Green to come.

3 Q. Let me show you what's previously been introduced as
4 government's exhibit number three.

5 MS. COLVIN: Mr. Hooper, if we can show that on the
6 screen.

7 Q. Do you recognize this photograph?

8 A. Yes.

9 Q. And could you please tell the jury which one of those
10 vehicles was your vehicle?

11 A. The black car.

12 Q. And are you seated inside that vehicle?

13 A. Yes, ma'am.

14 Q. After you were seated there, did the target then arrive
15 to that area?

16 A. Yes, ma'am.

17 Q. And which vehicle is the target's vehicle?

18 A. The white Chevy truck.

19 Q. And was anyone else in the vehicle with the target at the
20 time?

21 A. No, ma'am.

22 Q. Now, when that truck arrived, what did you do?

23 A. I got in my car and got in on the passenger side of his
24 truck.

25 Q. Let me show you what's previously been introduced into

1 evidence as government's exhibit number four. Who is that
2 beside -- in between your vehicle and the vehicle you've
3 identified as the target's vehicle?

4 A. That's me getting in the passenger side of his truck.

5 Q. Now, why is it that you were getting in the passenger
6 side of the truck?

7 A. He told me to get out the car and get in the truck with
8 him.

9 Q. Did he call you on your phone?

10 A. No.

11 Q. If I could show you government exhibit number five -- and
12 did you actually enter the truck?

13 A. Yes, ma'am.

14 Q. Now, when you entered the truck, what did you observe?

15 A. He told me to look in the cigarette pack that was on the
16 seat.

17 Q. I'm sorry?

18 A. A Newport cigarette pack, he told me to look in it, it
19 was on the seat.

20 Q. And did you, in fact, look into that pack?

21 A. Yes, ma'am.

22 Q. Now, when did you do that -- when you were outside the
23 vehicle or once you entered the vehicle?

24 A. Once I got in and closed the door.

25 Q. And why did you want to get in and close the door?

1 A. Because I didn't want to have the door open with us doing
2 the transaction right there in the open.

3 Q. And did you, in fact, look at the substance inside the
4 cigarette pack?

5 A. Yes, ma'am.

6 Q. Did it appear to be what you thought you were purchasing,
7 namely crack cocaine?

8 A. Yes, ma'am.

9 Q. What did you do with it?

10 A. I put it in my purse, and I took the money out of my bag,
11 and I put it on the seat.

12 Q. Do you recall now how much that may have been?

13 A. No, ma'am.

14 Q. Where did you get those monies from to pay the target?

15 A. Agent Whitehead.

16 Q. And what did you do after you put the substance inside
17 your pocket?

18 A. With the crack?

19 Q. Yes.

20 A. I got out of the car and got back -- I got out of his
21 truck and got back in my car.

22 Q. And where did you come upon leaving that area?

23 A. Back to Cox Cable on Holt Avenue.

24 Q. Let me ask you, prior to your leaving Cox Cable to meet
25 the target, what was done with your vehicle? Did anyone do

1 anything with your vehicle prior to you leaving that area?

2 A. No, ma'am.

3 Q. Was your vehicle ever searched?

4 A. When I got back to Cox Cable.

5 Q. And were you searched before you left Cox Cable?

6 A. Yes, ma'am.

7 Q. Let me show you what's been previously identified as
8 government exhibit 22 for the purpose of identification. Do
9 you recognize that?

10 A. Yes, ma'am.

11 Q. Do you see your initials on that particular exhibit?

12 A. Yes, ma'am.

13 Q. Who wrote those initials there?

14 A. I did.

15 Q. Have you had an opportunity to view that particular
16 video?

17 A. Yes, ma'am.

18 Q. And what is it a video of?

19 A. Of me and Mr. Green in a drug transaction.

20 Q. And does it accurately reflect what occurred on the date
21 of June 3, 2003?

22 A. Yes, ma'am.

23 MS. COLVIN: Your Honor, at this time the government
24 would seek to introduce what's been marked as government
25 exhibit 22.

1 MR. HOGUE: I apologize, I missed what it was. It
2 was the tape of the June --

3 MS. COLVIN: -- drug transaction. That's what she
4 just said.

5 MR. HOGUE: No objection.

6 THE COURT: It is admitted.

7 MS. COLVIN: Thank you, Your Honor. At this time,
8 Your Honor, the government would seek to display that
9 particular video with the volume turned down.

10 THE COURT: Very well.

11 MS. COLVIN: If I can just ask one question before
12 we look at that.

13 THE COURT: Sure.

14 BY MS. COLVIN:

15 Q. Ms. Fort, when you were given the opportunity to view
16 this video, could you hear any of the conversation when you
17 viewed the video? Could you make out what was being said?

18 A. Not really.

19 Q. Was it unclear?

20 A. Yes.

21 Q. Okay. In fact, for this particular transaction, did we
22 even give you a transcript for it?

23 A. No.

24 Q. Thank you.

25 MS. COLVIN: Your Honor, if we may show that video?

1 THE COURT: So we're going to see the --

2 MS. COLVIN: Exactly.

3 THE COURT: -- the viewable part, but we're not
4 going to listen to any sound?

5 MS. COLVIN: We won't listen to any sound because
6 the sound is inaudible, but we will see the transaction as it
7 occurred.

8 THE COURT: All right, proceed.

9 MS. COLVIN: And Mr. Calhoun has suggested that we
10 dim the lights some and maybe make the video a better quality.

11 THE COURT: All right.

12 MS. COLVIN: Is that possible?

13 THE COURT: It's right there by the door.

14 MS. COLVIN: Thank you.

15 *(Tape Playing)*

16 BY MS. COLVIN:

17 Q. And which vehicle is your vehicle, Ms. Fort?

18 A. The black convertible.

19 Q. At what point does he tell you to get in the vehicle?

20 A. When he had leaned over and opened the door.

21 Q. Do you see the person today in the courtroom who was that
22 target who you met that day on June 3rd, 2003?

23 A. Yes, ma'am.

24 Q. And is it the previous person you identified?

25 A. Yes, ma'am.

1 Q. What are you doing at this point?

2 A. He's waiting on that man to leave.

3 Q. Did you know that man?

4 A. No. He just came up from out of nowhere.

5 Q. Now, after he gets in the car, what's happening at this
6 point?

7 A. I'm picking up the Newport cigarette pack and taking the
8 money out of my bag. That's why I'm leaning over.

9 Q. So you had your purse with you?

10 A. Yes, ma'am.

11 Q. Did you see where the person who you've identified in
12 courtroom today -- Mr. Glawson -- did you see where he put the
13 money that you gave him?

14 A. No, ma'am.

15 Q. Do you remember any -- do you remember any of the
16 conversation you had inside the truck that day specifically?

17 A. No, ma'am.

18 Q. Was there anyone else with you that day when you arrived
19 at that area?

20 A. Yes.

21 Q. Who was with you?

22 A. James Jordan.

23 Q. And what are you still doing at this point?

24 A. Just talking.

25 Q. Had you seen this truck and the person who you've

1 identified in court inside this truck prior to that date, June
2 3rd, 2003?

3 A. Yes.

4 Q. And at this point, has the transaction ended?

5 A. Yes, ma'am.

6 Q. And where did you go after the transaction was completed?

7 A. I waited on Mr. Jordan to come out of Hooters, and we
8 went back to Cox Cable.

9 Q. And who, if anyone, was following you to that area?

10 A. Agent Whitehead and the rest of the agents from Bibb
11 County Drug Task Force.

12 Q. And did they -- who was the person who followed you from
13 that particular location, namely the Hooters, back to the Cox
14 area that you've mentioned?

15 A. All the agents that was on duty that day.

16 Q. Just one moment.

17 MS. COLVIN: That's all I have at this time, Ms.
18 Fort. Mr. Hogue will probably have some questions for you.

19 CROSS EXAMINATION

20 BY MR. HOGUE:

21 Q. Now, Ms. Fort, when you first got in trouble in this
22 case, the case that you pled guilty to in federal court, you
23 had already been convicted three times before, you said?

24 A. Yes, sir.

25 Q. And that was for robbery by intimidation that was back in

1 1992?

2 A. Yes, sir.

3 Q. And for sale of cocaine in 2001?

4 A. Yes.

5 Q. And you said there was another cocaine case?

6 A. Yes. But they did a nol pros. I wasn't charged for it.

7 Q. All right, so when you got caught in this case, you were
8 with James Jordan at the time?

9 A. Yes, sir.

10 Q. And you two are married, or what?

11 A. Yes, sir.

12 Q. All right, and so both of you were arrested in this case?

13 A. Yes, sir.

14 Q. And as I understand it, the two of you were indicted by a
15 federal grand jury on a number of different charges; is that
16 right?

17 A. Yes, sir.

18 Q. Including drugs?

19 A. Yes.

20 Q. And guns?

21 A. Yes.

22 Q. Anything else?

23 A. No, sir.

24 Q. Now, after you got indicted, you got a lawyer in this
25 case?

1 A. Yes, sir.

2 Q. A guy named Alan Wheeler?

3 A. Yes, sir.

4 Q. And Mr. Wheeler, did he get involved with your case here
5 after you already started working for Agent Ahmad and others?

6 A. No, sir.

7 Q. So he got involved before you started working with the
8 agent to make the case you just talked about; is that right?

9 A. Yes, sir.

10 Q. All right, so after Mr. Wheeler got involved to represent
11 you, you agreed to become a informer and help the agent set up
12 drug deals. Is that how it worked?

13 A. Yes, sir.

14 Q. And isn't this how it worked? You were told by someone,
15 I presume your lawyer, that that was a good thing for you to
16 do because it could cut your time down, right?

17 A. Yes, sir.

18 Q. In fact, you were facing some pretty serious federal
19 prison time, weren't you?

20 A. Yes, sir.

21 Q. Do you remember how much?

22 A. No, sir.

23 Q. A lot of years?

24 A. Yes, sir.

25 Q. You knew, in fact, that on only one of the charges, just

1 one of the gun charges you were facing up to ten years in
2 federal prison?

3 A. I can't remember.

4 Q. Well, do you still have your plea agreement up there with
5 you?

6 A. No, sir.

7 MR. HOGUE: Ms. Colvin's got it for you.

8 MS. COLVIN: You want me to direct her to that page?

9 MR. HOGUE: Sure. Page two, paragraph two B.

10 BY MR. HOGUE:

11 Q. Go to page two, you'll see, middle of the page, the
12 number three, and then down the page, the letter B. Do you
13 see that?

14 A. Yes, sir.

15 Q. Do you see where it says that if you plead guilty it
16 subjects you to a maximum sentence of ten years imprisonment?
17 Right?

18 A. Yes, sir.

19 Q. You with me? The maximum fine of \$250,000. Do you see
20 that?

21 A. Yes, sir.

22 Q. Or both. And a term of supervised release of three
23 years. And you understand that to be sort of like parole, but
24 it's not really parole, right?

25 A. Yes, sir.

1 Q. So just on the one gun charge that you pled guilty to you
2 knew it could carry up to ten years in prison, right?

3 A. Yes, sir.

4 Q. Now, all the drug charges -- and there were other guns
5 that were against you -- were all dismissed by the government?

6 A. Yes, sir.

7 Q. But you had understood enough about your case, Ms. Fort,
8 to know that you could also have been sentenced to lengthy
9 sentences on those charges, too, if you had been convicted for
10 them, right?

11 A. Yes, sir.

12 Q. So your lawyer worked out a plea deal for you in which
13 all those other charges got dismissed if you just pled to the
14 one gun charge, right?

15 A. Yes, sir.

16 Q. And he did all of that before you started cooperating
17 with the agents in this case?

18 A. Yes, sir.

19 Q. Okay. And then let's talk about a couple other things
20 that he got for you that you then went to do. If you'll go
21 over to page six of your plea agreement. Now, that's a long
22 paragraph, and you can take a look at it. It starts on page
23 five. It's the one that talks about what the government will
24 do for you if you cooperate with them. Do you remember that
25 one?

1 A. Yes, sir.

2 Q. I'm sorry, did you say yes or no?

3 A. Yes, sir.

4 Q. Yes. Okay, and without reading every word of that long
5 paragraph, and the plea agreement is in evidence anyway, you
6 understood, didn't you, Ms. Fort, that if you qualified for
7 what's called substantial assistance to the government, they
8 could file a motion and that motion could ask the court to
9 reduce your sentence as low as the court wants to?

10 A. Yes, sir.

11 Q. Is that how you understood it?

12 A. Yes, sir.

13 Q. In fact, they could file a couple different motions. Do
14 you remember the word "5K motion?" You heard of that?

15 A. Yes, sir.

16 Q. You understood that to be a motion that the government
17 could file for you if you cooperated with them, right?

18 A. Yes, sir.

19 Q. And you knew what that meant; you knew that meant it
20 could cut your time way down?

21 A. Yes, sir.

22 Q. And then they also could file what's called a Rule 35
23 motion. Do you remember that too?

24 A. Yes, sir.

25 Q. And you understood, Ms. Fort, that it too could cut your

1 time down even more on top of the 5K, right?

2 A. Yes, sir.

3 Q. And you remember this line right in the middle of the
4 page, and I'm looking at the sentence begins "in either case."
5 You go ahead and get with me there for a minute. It's right
6 in the middle. You see it?

7 A. Yes, sir.

8 Q. It says "in either case the defendant understands that
9 the determination as to whether the defendant has provided
10 substantial assistance rests solely with the government."
11 Right?

12 A. Yes, sir.

13 Q. You understood that, didn't you, Ms. Fort, to mean that
14 they had to be pleased with what you produced before they
15 would file these two different motions to get your time cut
16 down, right?

17 A. Yes, sir.

18 Q. So, is this the way it went down -- after your lawyer
19 worked all this out for you, and you hoped that you would get
20 significantly less than whatever it was, 40 years or life, or
21 however long your sentence could have been, then you had to go
22 to work for them, right?

23 A. Yes.

24 Q. And the way it worked is they pretty much asked you,
25 okay, who can do you, what kind of drug deals can you do?

1 A. Yes.

2 Q. Is that how it worked?

3 A. Yes, sir.

4 Q. And so you would give them a name and a phone number, and
5 then they'd say, okay, let's set it all up and get you ready
6 to call them and tape it and do the whole thing we've been
7 talking about here, right?

8 A. Yes, sir.

9 Q. And so you gave them the name Terry Green?

10 A. Yes, sir.

11 Q. As somebody you said you knew a couple months?

12 A. Yes.

13 Q. By that name?

14 A. Yes, sir.

15 Q. Now, the phone number you used to contact Terry Green in
16 the phone call you talked about here and that we heard, you
17 dialed that number?

18 A. Yes, sir.

19 Q. No agent dialed that for you?

20 A. No, sir.

21 Q. When you dialed it, do you remember, Ms. Fort, was
22 anybody looking at you dial it and writing down the number you
23 dialed?

24 A. I had already wrote down the number and stuff, and then
25 Agent Whitehead, he stood there and put the recorder on the

1 phone, and then I dialed the number.

2 Q. Okay. And you dialed this from some other phone beside
3 your Cricket phone you said, right?

4 A. I used my Cricket phone.

5 Q. Oh, okay. So that part on the tape we heard where you
6 said you were using somebody's else phone, that wasn't true,
7 you were using your Cricket phone?

8 A. Yes, I was using the Cricket phone.

9 Q. So you knew this number already; they didn't give it to
10 you, and that's the number you used to call?

11 A. Yes, sir.

12 Q. Now, the government did eventually file a 5K motion for
13 you, didn't they?

14 A. Yes, sir.

15 Q. And do you remember, Ms. Fort, how much time off of that
16 ten years that cut your sentence?

17 A. I guess to five years.

18 Q. Cut it in half?

19 A. Yes.

20 Q. And then after they filed that 5K motion, they filed a
21 Rule 35 motion for you too, didn't they?

22 A. No, sir.

23 Q. You hadn't seen that one yet?

24 A. No, sir.

25 Q. You're not familiar with the Rule 35 motion that was

1 filed for you in August of 2006?

2 A. No, sir.

3 Q. You don't know anything about that?

4 A. No, sir.

5 Q. Well, how many times has your sentence been reduced?

6 A. Just one.

7 Q. Down to five years. And that's what you understand
8 you're doing now is five years?

9 A. Yes, sir.

10 Q. And how much of that five years do you have left?

11 A. About a year left.

12 Q. Now, you understand, don't you, from that plea agreement
13 you've just reviewed that they can ask the court to rule again
14 on your sentence; they can come back to the court any number
15 of times and ask them to cut Katina Fort's sentence even
16 lower, right?

17 A. Yes, sir.

18 Q. Low enough even that maybe Katina Fort could go home
19 after this trial if the judge wanted to let you, right?

20 A. I guess.

21 Q. Okay.

22 MR. HOGUE: I have no further questions.

23 THE COURT: Anything else of this witness?

24 MS. COLVIN: Just one moment, Your Honor.

25 REDIRECT EXAMINATION

1 BY MS. COLVIN:

2 Q. Let me ask you, Ms. Fort, defense counsel asked you about
3 your and your husband both being charged in the underlying
4 indictment that's the subject of that plea agreement. Do you
5 remember that?

6 A. Yes, ma'am.

7 Q. Who, to your understanding, took responsibility for the
8 drug charges related to that particular indictment?

9 A. James Jordan.

10 Q. And you took responsibility for the weapon that was
11 involved?

12 A. Yes, ma'am.

13 Q. And could you tell the jury what your reason is for
14 testifying and assisting the government for this trial, what
15 do you expect to gain or what do you expect to give someone
16 else?

17 A. I don't expect to gain nothing out of it. I'm on my way
18 home.

19 Q. So why is it that you're cooperating with the government
20 in testifying in this trial today?

21 A. Because I assisted them on June of 2003 against
22 Mr. Green.

23 Q. Thank you.

24 MR. HOGUE: No questions.

25 THE COURT: All right, call your next witness,

1 please.

2 MR. CALHOUN: The government calls James Jordan.

3 MS. COLVIN: And, Your Honor, they're bringing him
4 down as well, if we can have one moment.

5 *(Pause)*

6 DEPUTY CLERK: Do you solemnly swear that your
7 testimony in this case shall be the truth, the whole truth,
8 and nothing but the truth, so help you God?

9 THE WITNESS: Yes.

10 THE COURT: State your name for the jury, please.

11 THE WITNESS: My name is James Jordan.

12 DEPUTY CLERK: Would you spell your name, first and
13 last.

14 THE WITNESS: J-a-m-e-s, J-o-r-d-a-n.

15 MR. CALHOUN: May I proceed, Your Honor?

16 THE COURT: Please.

17 **JAMES JORDAN**

18 Witness, having first been duly sworn, testified on

19 DIRECT EXAMINATION

20 BY MR. CALHOUN:

21 Q. Mr. Jordan, are you currently in custody?

22 A. Yes, I am.

23 Q. Are you in state or federal custody?

24 A. Federal custody.

25 Q. Did you enter a guilty plea?

1 A. Yes, I did.

2 Q. What charge did you enter your guilty plea to?

3 A. Possession of a weapon and possession of crack cocaine.

4 Q. Have you been sentenced based on those charges?

5 A. Yes, I have.

6 Q. What sentence did you receive?

7 A. I received 170 months.

8 Q. If you'll speak a little bit louder.

9 A. 170 months.

10 Q. Now, do you expect or anticipate another reduction in
11 that sentence based on your cooperation today?

12 A. Yes, sir.

13 Q. Now, has anyone promised you that your sentence would be
14 reduced by a certain amount?

15 A. No, sir.

16 Q. Mr. Jordan, let me show you what's been marked as exhibit
17 number 23. Do you recognize that document?

18 A. Yes, I do.

19 Q. What do you recognize that to be?

20 A. This is my plea agreement.

21 Q. Does that plea agreement contain all the promises between
22 you and the government about your cooperation?

23 A. Yes, it does.

24 MR. CALHOUN: Government moves to admit number 23,

25 Your Honor.

1 MR. HOGUE: No objection.

2 THE COURT: Admitted.

3 BY MR. CALHOUN:

4 Q. Mr. Jordan, aside from your federal conviction that you
5 just talked about, do you have any state felony convictions
6 within the last ten years?

7 A. I have, yeah, some state convictions.

8 Q. And what was the first state conviction, felony
9 conviction for?

10 A. Felony conviction was obstruction, felony obstruction.

11 Q. Obstruction?

12 A. Yes, obstruction of justice.

13 Q. And when did you receive the obstruction conviction?

14 A. I received it May 3rd, 2000.

15 Q. And what sentence did you receive?

16 A. I received 485 days detention center.

17 Q. Now, and aside from that obstruction conviction, did you
18 receive another conviction after that one?

19 A. Yes. I had two obstruction convictions that had ran
20 concurrent at that same time on May 3rd, 2000.

21 Q. When did you receive the second obstruction charge, what
22 year?

23 A. 2000.

24 Q. You said those two convictions ran together? Is that
25 what you're saying?

1 A. Yes.

2 Q. Now, do you know or are you familiar with a Richard
3 Glawson?

4 A. Yes.

5 Q. Is he in court today?

6 A. Yes, he is.

7 Q. Can you please point to him and describe what he has on?

8 A. The gentleman sitting in the back next to the guy with
9 the suit with the gray shirt on.

10 Q. Is that the gentleman to my left?

11 A. To your left, to my right.

12 Q. Now, do you know this person by another name?

13 A. Yes.

14 Q. What name is that?

15 A. Terry Green.

16 Q. Do you recall when you first met this Terry Green, what
17 year?

18 A. Yes, I do.

19 Q. What year was that?

20 A. It was -- I met him 2003.

21 Q. Who introduced you to this Terry Green person?

22 A. Katina Fort.

23 Q. Now, Mr. Jordan, as part of that plea agreement that you
24 just identified, did you agree to cooperate in the
25 investigation of this Glawson or Terry Green?

1 A. Yes, I did.

2 Q. As part of your cooperation, what were you asked to do?

3 A. To make controlled buys, if possible.

4 Q. Do you recall the name of the agents that you worked with
5 during the course of your cooperation?

6 A. Yes.

7 Q. Who was that?

8 A. Investigator Whitehead and Agent Rafiq Ahmad.

9 Q. Now, drawing your attention to June 4th, 2003, did you
10 meet with Special Agent Ahmad?

11 A. Yes, I did.

12 Q. Did you also meet with other law enforcement officers?

13 A. Yes, I did.

14 Q. Do you recall the purpose of that meeting on June 4th,
15 2003?

16 A. Yes. It was to make a controlled buy from Terry Green.

17 Q. The same person you identified as Mr. Glawson?

18 A. Yes.

19 Q. And what were you supposed to buy in this controlled
20 purchase?

21 A. At that time I'm supposed to buy an ounce of marijuana.

22 Q. And when you met with the agent, did you make a phone
23 call?

24 A. Yes, I did.

25 Q. And whom did you call?

1 A. I called Mr. Glawson.

2 Q. And who gave you that number to use to make that phone
3 call?

4 A. Katina Fort.

5 Q. Do you recall what you discussed with Mr. Glawson during
6 the course of that phone call?

7 A. Yeah, we discussed the price of --

8 Q. Was that call recorded?

9 A. Yes, it was.

10 Q. When you say price, the price of what?

11 A. The price of the marijuana.

12 Q. Was that call recorded with your permission?

13 A. Yes, it was.

14 Q. Mr. Jordan, let me show what's been marked as
15 government's exhibit 24 and ask you to look at that. Do
16 recognize that?

17 A. Yes, I do.

18 Q. What is that?

19 A. This is the disk of the phone call that we made.

20 Q. On June 4th?

21 A. On June 4th.

22 Q. Did you have occasion to listen to that phone
23 conversation prior to coming to court today?

24 A. Yes, I did.

25 Q. When you listened to that phone conversation, did you

1 notice any alterations or deletions to that phone call, sir?

2 A. No, I didn't.

3 Q. Did you initial that disk prior to coming to court?

4 A. Yes, I did.

5 Q. Where are your initials on that tape?

6 A. Right here.

7 MR. CALHOUN: The government moves to admit number
8 24, Your Honor.

9 MR. HOGUE: Your Honor, the only objection I'll make
10 is the one I've made before regarding the chain of evidence
11 for these tapes.

12 THE COURT: All right, that objection is overruled,
13 and 24 is admitted.

14 BY MR. CALHOUN:

15 Q. Now, Mr. Jordan, at the time you listened to government's
16 exhibit number 24, what were you looking at?

17 A. What was I looking?

18 Q. Yes, sir.

19 A. What do you mean?

20 Q. Were you looking at a transcript?

21 A. Oh, yes, sir, I was looking at a transcript.

22 Q. Let me show you government's exhibit number 25. Do you
23 recognize that as the exhibit?

24 A. Yes, sir. It's the same exhibit I looked at.

25 Q. Do your initials appear on that exhibit?

1 A. Yes, it does.

2 MR. CALHOUN: Your Honor, at this time the
3 government would like to play exhibit number 24 and ask the
4 jurors to direct their attention to the transcript, I believe,
5 is two. Is that correct, Ms. Colvin?

6 MS. COLVIN: That's correct.

7 *(Tape played for the jury)*

8 MR. CALHOUN: Can you turn that up a little bit?

9 THE COURT: Wait a minute, that's not loud enough.
10 It has to be loud enough. Start over.

11 *(Tape played)*

12 BY MR. CALHOUN:

13 Q. Mr. Jordan, do you recognize the female voice on that
14 tape?

15 A. Yes.

16 Q. And who is that?

17 A. Katina Fort.

18 Q. Let me ask you a couple follow-up questions about the
19 contents of that recording. On page one where it says "I'm
20 talking about a whole one this time, not the half--"

21 A. Yeah.

22 Q. -- what are you referring to?

23 A. Referring to the marijuana.

24 Q. When you say -- when you refer to the whole -- when
25 Mr. Glawson referred to the "whole O" --

1 A. Uh-huh.

2 Q. -- did you understand what he was talking about?

3 A. Yes.

4 Q. What did you interpret that to be?

5 A. An ounce of marijuana.

6 Q. And on that same page where Mr. Glawson appears to say
7 "all right, you know it's 125, right?" Did you understand
8 what he was talking about?

9 A. Yes, I did.

10 Q. And what did you interpret that to mean?

11 A. The price for the ounce of marijuana.

12 Q. On the second page there seems to be some discussion,
13 particularly at the top of the transcript, or top of the tape,
14 with Mr. Glawson referring to "that wasn't no mid." Do you
15 recall that conversation?

16 A. Yes.

17 Q. What exactly was it he referring to?

18 A. He's referring to the grade of the marijuana.

19 Q. And what does "mid" refer to?

20 A. It's a different type of the marijuana that -- street
21 name, mid.

22 Q. Now, after that phone conversation, were you searched?

23 A. Yes.

24 Q. Do you remember what type of vehicle you were operating?

25 A. Yes.

1 Q. Was your vehicle searched?

2 A. Yes, it was.

3 Q. Were you provided with some money?

4 A. Yes, I was.

5 Q. Where did you go after you had been searched and you made
6 that phone call and you had been provided with the money?

7 Where did you go?

8 A. Proceeded to the meeting place.

9 Q. And where was the meeting place?

10 A. The meeting place was initially to be at Hooters, but
11 between on the way there, he made a phone call and asked me to
12 meet him at McDonald's.

13 Q. Now, when you were on route to Hooters --

14 A. Yes.

15 Q. -- you received a phone call?

16 A. Yes.

17 Q. Who called you?

18 A. Mr. Glawson.

19 Q. What did he relate to you?

20 A. He related that he wanted to meet him at McDonald's on
21 Riverside Drive.

22 Q. So he had changed the location; is that correct?

23 A. He changed the location, yes.

24 Q. Now, did you go to the alternate location?

25 A. No, I didn't.

1 Q. Where did you go?

2 A. I went to McDonald's on Riverside Drive.

3 Q. When you arrived there do you recall whether Mr. Glawson
4 was there before you, or whether you were there before him?

5 A. Mr. Glawson was there first.

6 Q. Do you recall where he was parked when you first saw him?

7 A. Yes, in the rear of McDonald's.

8 Q. Do you recall what Mr. Glawson was driving?

9 A. A white pickup truck.

10 Q. Did you notice anything uncharacteristic about the bed of
11 that truck?

12 A. It was like a red or orange color.

13 Q. Describe for the jury what happened after you met
14 Mr. Glawson at that location?

15 A. We both proceeded and went inside the bathroom at
16 McDonald's, and I gave him the money, and he got the marijuana
17 out of his pocket and gave it to me.

18 Q. Okay, let me back up here a moment. So the transaction
19 took place inside the bathroom?

20 A. Yes, it did.

21 Q. Now, were you in a position to see where Mr. Glawson
22 obtained the marijuana from before he sold it to you?

23 A. Yes.

24 Q. Where was that?

25 A. Out of his pocket.

1 Q. Now, he gave you -- did he give you the marijuana?

2 A. Yes, he did.

3 Q. Did you give him the money?

4 A. Yes, I did.

5 Q. Did you leave McDonald's at that point?

6 A. Yes, I did.

7 Q. And where did you go?

8 A. I went to the meeting place with the agent.

9 Q. And what, if anything, did you do with the suspected
10 marijuana that Mr. Glawson had sold to you?

11 A. I gave it to Investigator Whitehead.

12 Q. Who was present at the time?

13 A. Also Rafiq Ahmad.

14 Q. Mr. Jordan, let me show you exhibit number 26 and ask you
15 to look at that, please.

16 A. Yes.

17 Q. Do you recognize that?

18 A. Yes, I do.

19 Q. What do you recognize that to be?

20 A. This is the video that I watched.

21 Q. Is that the video of the transaction that you just
22 described?

23 A. Yes, it is.

24 Q. And did you have occasion to look at that video prior to
25 coming to court today?

1 A. Yes, I did.

2 Q. When you looked it, did you initial the video?

3 A. Yes, I did.

4 MR. CALHOUN: The government moves to admit number
5 26, Your Honor.

6 MR. HOGUE: No objection.

7 THE COURT: 26 is admitted.

8 MR. CALHOUN: We'd like to lower the lights, Your
9 Honor, and play the videotape.

10 THE COURT: Very good.

11 MR. CALHOUN: And for the jury's benefit, Your
12 Honor, I believe there is no transcript with this transaction.
13 What we would like to do is turn the sound down when we play
14 the tape.

15 THE COURT: All right.

16 *(Videotape playing)*

17 MR. CALHOUN: Milton, can you pause it right there a
18 minute.

19 BY MR. CALHOUN:

20 Q. Mr. Jordan, do you recognize that truck?

21 A. Yes, I do.

22 Q. Is that that the truck that you just referred to?

23 A. Yes, it is.

24 Q. And you see the person in court today that was driving
25 that truck?

1 A. Yes, I do.

2 Q. Who was that person?

3 A. Richard Glawson.

4 MR. CALHOUN: Go ahead, Milton. Can you pause
5 again, Milton.

6 BY MR. CALHOUN:

7 Q. Now, Mr. Jordan, at this particular point in the video,
8 where are you?

9 A. We -- I'm on the inside of McDonald's.

10 Q. With whom?

11 A. With Mr. Glawson.

12 MR. CALHOUN: Go ahead, Milton. Can you pause it
13 again, Milton.

14 Q. Mr. Jordan, do you recognize the person who is sitting in
15 the passenger side of the vehicle?

16 A. I recognize him by only being with Mr. Glawson.

17 Q. And who identified this person to you?

18 A. Mr. Glawson did.

19 Q. And who did he say it was?

20 A. He said it was his uncle.

21 MR. CALHOUN: Go ahead Milton. Pause right there,
22 Milton.

23 Q. Do you recognize this person in the video?

24 A. Yes, I do.

25 Q. Who do you recognize that person to be?

1 A. I recognize it as Terry Green, Mr. Glawson.

2 Q. Now, do you notice anything that's different about
3 Mr. Glawson on the video, as opposed to the person seated in
4 court today in reference to his appearance?

5 A. Yes, only one thing.

6 Q. What's that?

7 A. His hair is longer on that video than it is now.

8 Q. Do you notice any discrepancies in his size?

9 A. His size is a little smaller too.

10 Q. Today?

11 A. Today.

12 MR. CALHOUN: Go ahead, Milton.

13 Q. Mr. Jordan, drawing your attention to June 20th, 2003,
14 were you still cooperating with Special Agent Ahmad?

15 A. Yes, I was.

16 Q. Did you have an occasion to meet with the officers on
17 that particular day?

18 A. Yes, I did.

19 Q. And did you meet at the same location you had met prior?

20 A. Yes, I did.

21 Q. When you met with the officers, did you make a phone
22 call?

23 A. Yes, I did.

24 Q. This would have been your third phone call?

25 A. No, this is my second phone call.

1 Q. Second phone call?

2 A. Second phone call.

3 Q. And whom did you call?

4 A. I called Mr. Glawson.

5 Q. Were you able to speak to him?

6 A. Yes, I did.

7 Q. And do you recall the conversation that you had with
8 Mr. Glawson?

9 A. Yes, I did.

10 Q. Describe to the jury what that conversation was?

11 A. The conversation was brief, but we conversated about this
12 time I would buy some cocaine, crack cocaine.

13 Q. And based on that conversation, did Mr. Glawson agree to
14 sell you the crack cocaine?

15 A. Yes.

16 Q. Where did you and Mr. Glawson agree to meet during the
17 course of that phone conversation?

18 A. We agreed to meet at the same location we met the last
19 time.

20 Q. Was that call recorded?

21 A. Yes, it was.

22 Q. Was it recorded with your permission?

23 A. Yes, it was.

24 Q. And who was present at the time the recording was made?

25 A. Rafiq Ahmad and Investigator Whitehead.

1 Q. And have you had occasion to listen to that recording
2 prior to coming to court?

3 A. Yes, I have.

4 MR. CALHOUN: Could I have a moment, Your Honor.

5 Q. Let me show you what's been marked as government exhibit
6 number 27 and ask you to look at that, Mr. Jordan. Do you
7 recognize that tape?

8 A. Yes, I do.

9 Q. What do you recognize that to be?

10 A. This is the phone conversation, June 20th.

11 Q. That's the conversation you just testified about?

12 A. Yes, I did.

13 Q. And have you had occasion to listen to that tape prior to
14 coming to court today?

15 A. Yes, I did.

16 Q. When you listened to that tape, did you notice any
17 alterations or deletions to that tape?

18 A. No, I didn't.

19 Q. And did you initial that tape after you heard it?

20 A. Yes, I did.

21 Q. And do your initials appear on that tape?

22 A. Yes, they do.

23 MR. CALHOUN: The government moves to admit number
24 27, Your Honor.

25 MR. HOGUE: Your Honor, I object again on the

1 grounds of the chain of custody that has not been shown.

2 THE COURT: All right, the objection is overruled.
3 The tape is admitted. Let's take a break at this point.

4 MR. CALHOUN: Yes, sir.

5 THE COURT: Step back to your jury room, ladies and
6 gentlemen.

7 *(Jury Excused; 2:55 p.m.)*

8 THE COURT: All right, we'll take 15 minutes.

9 *(RECONVENED; ALL PARTIES PRESENT, 3:15 p.m.)*

10 THE COURT: Is the government ready?

11 MR. CALHOUN: Yes, Your Honor.

12 THE COURT: Is the defense?

13 MR. HOGUE: Yes, Your Honor.

14 THE COURT: Ask the jury to come in, please.

15 *(Jury In)*

16 THE COURT: All right, let's proceed.

17 BY MR. CALHOUN:

18 Q. Mr. Jordan, let me show you what's been marked as
19 government's exhibit number 28 and ask you if you recognize
20 that?

21 A. Yes, I do.

22 Q. What do you recognize that to be?

23 A. This is the phone conversation made between myself and
24 Mr. Glawson.

25 Q. On what day?

1 A. June 20th, 2003.

2 MR. CALHOUN: Your Honor, at this time the
3 government would like to play government exhibit 27, and for
4 the benefit of the jury, this will be transmittal number
5 three. Is that correct, Ms. Colvin?

6 MS. COLVIN: I don't have a copy of --

7 *(Aside)*

8 THE COURT: This is the third one we've heard.

9 MR. CALHOUN: This is number three, Your Honor, tab
10 three, ladies and gentlemen. Okay, Milton.

11 *(Tape played for the jury)*

12 BY MR. CALHOUN:

13 Q. Mr. Jordan, at the beginning of the tape, you refer to
14 "I want to see about getting a 0?"

15 A. Yes.

16 Q. What you were referring to?

17 A. An ounce of crack cocaine.

18 Q. And you also in response to a question from Mr. Glawson
19 when you say "of hard," what are you referring to?

20 A. An ounce of crack cocaine.

21 Q. You also mentioned during the course of the tape "a whole
22 one of hard." What were you referring to?

23 A. An ounce of crack cocaine.

24 Q. And when Mr. Glawson mentioned a whole ounce, did you
25 understand what he was referring to?

1 A. Yes, he was referring to crack cocaine.

2 Q. Mr. Jordan, after that phone conversation, where did you
3 go?

4 A. We proceeded to the meeting place.

5 Q. Speak a little bit louder.

6 A. We proceeded to the meeting place.

7 Q. And what meeting place was that?

8 A. It initially was supposed to be Hooters on Riverside
9 Drive, but we started to the location, and he called and said,
10 why don't we meet at the same location we met last time at the
11 McDonald's on Riverside.

12 Q. And did you proceed to that location?

13 A. Yes, I did.

14 Q. And whom did you meet there?

15 A. I met Mr. Glawson.

16 Q. Do you recall what Mr. Glawson was driving when you met
17 him?

18 A. A white pickup truck.

19 Q. Is that the same white pickup truck that you had seen in
20 those two prior occasions?

21 A. Yes, it was.

22 Q. Was Mr. Glawson by himself at this time?

23 A. No, he wasn't.

24 Q. Who was with him?

25 A. He had a little girl that he said it was his.

1 Q. Describe what took place after you met Mr. Glawson who
2 was in the company of this young child?

3 A. He immediately said he was ready to get the cocaine out
4 of his pocket and get this over with. So he sat his little
5 girl down in the back of his truck while Katina talked with
6 her, and I went around to the right side of his truck on the
7 passenger side, and that's where we made the transaction.

8 Q. You say you made the transaction. Describe exactly what
9 took place on the side of the truck?

10 A. Okay. He sat his little girl inside in a car seat, and
11 he put the crack cocaine on the seat, I gave him the money and
12 reached in and got it.

13 Q. So the crack cocaine was on the seat with the child; is
14 that correct?

15 A. Yes.

16 Q. And you reached down and got it?

17 A. Yes.

18 Q. And what did you do with the money?

19 A. I gave it to him in his hand.

20 Q. How much money did you give to Mr. Glawson?

21 A. I gave him a thousand dollars.

22 Q. And where did you go after you had purchased the crack
23 cocaine from Mr. Glawson?

24 A. To meet with the agent and the investigator at our
25 location.

1 Q. What, if anything, did you do with the crack cocaine that
2 had been sold to you by Mr. Glawson?

3 A. I immediately gave it to Rafiq Ahmad and Investigator
4 Whitehead.

5 Q. Let me show you what's been marked as government's
6 exhibit number 29 and ask you to look at that, please.

7 A. Yes.

8 Q. Do you recognize that exhibit?

9 A. Yes.

10 Q. Do you recognize that exhibit?

11 A. Yes, I do.

12 Q. What do you recognize that to be?

13 A. This is the video I viewed previously.

14 Q. And is that the video of the event that you just
15 testified to?

16 A. Yes, it is.

17 Q. Did you have occasion to look at that videotape prior to
18 coming to court?

19 A. Yes, I did.

20 Q. And did you initial that videotape?

21 A. Yes, I did.

22 Q. And the initials "JJ" depicted there, are those your
23 initials?

24 A. Those are my initials.

25 MR. CALHOUN: The government moves to admit number

1 29, Your Honor.

2 THE COURT: It is admitted.

3 MR. CALHOUN: At this time, Your Honor, we would
4 like to play the video, and due to the lack of intelligible
5 conversation, we are going to turn the sound down.

6 THE COURT: Very good.

7 *(Tape Playing)*

8 MR. CALHOUN: Milton, can you stop it right there,
9 please.

10 BY MR. CALHOUN:

11 Q. Mr. Jordan, do you recognize the people depicted in this
12 scene?

13 A. Yes, I do.

14 Q. And who are they?

15 A. Myself, Katina Fort, Richard Glawson, and the child that
16 he said was his.

17 MR. CALHOUN: Go ahead, Milton. Can you stop it
18 right there, Milton?

19 Q. Mr. Jordan, do you recall what's taking place at this
20 particular point?

21 A. At this particular time he had the windows rolled up and
22 that particular day it was hot, so he was rolling down the
23 windows before he put child in.

24 MR. CALHOUN: Go ahead Milton. Pause it there,
25 Milton. Back it up a couple frames, Milton. Okay, right

1 there, Milton, hold it.

2 Q. Mr. Jordan, can you describe what's taking place here?

3 A. He had just sat his little girl down, and he was getting
4 ready to open the passenger's side of the door and roll the
5 window down, and that's when he sat her in the car seat.

6 MR. CALHOUN: Go ahead Milton. Stop it right there.

7 Q. Now, you mentioned earlier that the crack cocaine was on
8 the same seat as the infant?

9 A. Not the same seat as the infant's, but on the seat.

10 Q. On the seat?

11 A. Uh-huh.

12 Q. What's taking place here?

13 A. He's putting her in the car seat now.

14 MR. CALHOUN: Go ahead Milton. Stop right there,
15 Milton.

16 Q. What's taking place here, Mr. Jordan?

17 A. After he put her in the car seat, he took the crack
18 cocaine out of his pocket and sat it on the seat.

19 MR. CALHOUN: Go ahead, Milton. Stop it there,
20 Milton.

21 Q. Mr. Jordan, do you recall what you all were talking about
22 at that particular time?

23 A. At that point we had made the transaction, and we were
24 discussing me purchasing a firearm from him.

25 MR. CALHOUN: Go ahead Milton.

1 Q. Mr. Jordan, after you had made that purchase from
2 Mr. Glawson, where did you go?

3 A. I proceeded to the location with the agents and the
4 investigator.

5 Q. What, if anything, did you do with the suspected crack
6 cocaine?

7 A. I immediately gave it to Rafiq and Investigator
8 Whitehead.

9 Q. Now, I noticed that that videotape that was introduced
10 did not have audio. Have you had occasion to listen to an
11 audiotape of that transaction?

12 A. Yes, I have.

13 Q. Let me show you what's been marked as exhibit 29A and ask
14 you to look at that. Do you recognize that exhibit?

15 A. Yes, I do.

16 Q. What do you recognize that to be?

17 A. The same exhibit that I viewed for the drug transaction.

18 Q. That you just testified about?

19 A. That I just testified about.

20 Q. Is this an audiotape of that transaction?

21 A. Yes.

22 Q. When you listened to the tape, did you notice any
23 alterations to the tape?

24 A. No alterations.

25 Q. Now, let me show you exhibit number 30 and ask you to

1 look at that. Do you recognize that transcript?

2 A. Yes, I do.

3 Q. What do you recognize that to be?

4 A. This is the transcript from the actual buy that I made.

5 Q. Is that a transcript of exhibit number 29A?

6 A. Yes.

7 Q. Did you look at that transcript prior to coming to come
8 to court?

9 A. Yes, I did.

10 Q. Did you initial that transcript?

11 A. Yes, I did.

12 MR. CALHOUN: The government moves to admit exhibit
13 number 29A.

14 MR. HOGUE: No objection.

15 THE COURT: Admitted.

16 MR. CALHOUN: Your Honor, the government at this
17 time would like to play 29A, and for the benefit of the jury
18 that would be tab number four. Is that correct -- tab number
19 four, Your Honor.

20 *(Tape played)*

21 BY MR. CALHOUN:

22 Q. Mr. Jordan, on the tape when you said "hey, pretty lady,"
23 what are you referring to?

24 A. I was referring to the little girl.

25 Q. Also on the tape when you said -- when Mr. Glawson said,

1 I'm ready to get this blankety-blank out of my pocket," did
2 you know what he was referring to?

3 A. Yes, he was referring to the ounce of cocaine.

4 Q. And when Mr. Glawson asked you, "did you say 0, right,"
5 did you know what he was talking about?

6 A. Yes, I did.

7 Q. What was that?

8 A. The cocaine.

9 Q. Now, on the tape when you referred to -- you appeared to
10 ask Mr. Glawson where can you get a 380 or a nine, what were
11 you talking about?

12 A. I was talking about a pistol, a weapon.

13 Q. A portion of the conversation where Mr. Glawson said
14 "there ain't no bodies or nothing on it," did you know what
15 Mr. Glawson was talking about?

16 A. Yes, I knew he was talking about. He was talking about
17 the gun was clean.

18 Q. What do you mean clean?

19 A. I mean, that it hadn't been used for anything illegal.

20 Q. Mr. Jordan, drawing your attention to June 23rd, 2003,
21 were you still cooperating with the authorities?

22 A. Yes, I was.

23 Q. Did you have occasion to meet with them on June 23rd,
24 2003?

25 A. Yes, I did.

1 Q. And what was the purpose of that meeting?

2 A. To buy some more crack cocaine from Mr. Glawson.

3 Q. How much did you intend to buy on June 23rd, 2003?

4 A. A half an ounce.

5 Q. And when you met with the agents, did you have occasion
6 to place a phone call?

7 A. Yes, I did.

8 Q. And whom did you call?

9 A. I called Mr. Glawson.

10 Q. And were you able to speak to Mr. Glawson?

11 A. Yes, I did.

12 Q. And will you describe to the jury what took place between
13 you and Mr. Glawson during that phone call?

14 A. During that phone call we discussed the price of the
15 cocaine and where the location would be for us to meet.

16 Q. And where did you and Mr. Glawson agree to meet as a
17 result of that phone conversation?

18 A. We agreed to meet at McDonald's on Riverside Drive.

19 Q. Is that the same location that you had met Mr. Glawson
20 previously?

21 A. Yes, it was.

22 Q. Now, was that phone call recorded?

23 A. Yes, it was.

24 Q. Was it recorded with your permission?

25 A. Yes.

1 Q. Do you recall who recorded that phone conversation?

2 A. Yes. Investigator Whitehead.

3 Q. Now, after you had made that phone call, were you
4 searched?

5 A. Yes, I was.

6 Q. Do you recall what vehicle you were using at the time?

7 A. Yes, I do.

8 Q. What was that?

9 A. It was a green Chevrolet, hardtop Cavalier.

10 Q. And was your car searched?

11 A. Yes, it was.

12 Q. Was any contraband found on you or inside your vehicle?

13 A. No, it wasn't.

14 Q. Were you also supplied with a transmitter?

15 A. Yes, I was.

16 Q. Now, after you'd been supplied with the -- were you
17 supplied with some money?

18 A. Yes.

19 Q. How much?

20 A. \$500.

21 Q. And after you had been supplied with all that, including
22 the money and the transmitter, where did you go?

23 A. I proceeded to McDonald's on Riverside.

24 Q. And whom did you meet there?

25 A. Mr. Glawson.

1 Q. And what was Mr. Glawson driving at the time you met him?

2 A. He was driving the white pickup truck.

3 Q. Was that the same pickup truck that you had seen on those
4 prior occasions?

5 A. Yes, it was.

6 Q. Was Mr. Glawson alone on this occasion?

7 A. No, he wasn't.

8 Q. Who was with him?

9 A. He had -- uh, uh -- his uncle with him then too.

10 Q. And where did you park once you got to the McDonald's?

11 A. In the rear of McDonald's.

12 Q. And do you recall whether Mr. Glawson was there before
13 you or whether you arrived before him?

14 A. I was there before him -- no, he was there before me,
15 excuse me.

16 Q. Okay. Describe to the jury what happened once you met
17 Mr. Glawson at the McDonald's.

18 A. Once I parked, he made an additional phone call to let me
19 know to come on in.

20 Q. Did you go inside?

21 A. Yes.

22 Q. Where inside McDonald's did you go?

23 A. We proceeded to the bathroom.

24 Q. And what took place inside the bathroom?

25 A. He took the cocaine out of his pocket and gave me the

1 money, and we made the transaction, and I left out.

2 Q. You said made the transaction, what exactly are you
3 talking about?

4 A. I bought the cocaine from him. I gave him the money, and
5 he gave me the crack cocaine.

6 Q. Were you in a position to see where Mr. Glawson obtained
7 the cocaine prior to selling it to you in terms of his person?

8 A. Yes.

9 Q. Where was that?

10 A. It's out of his pocket.

11 Q. Okay. And what did you do once Mr. Glawson sold you the
12 cocaine?

13 A. I left.

14 Q. What did you do with the five hundred dollars that had
15 been given to you?

16 A. I gave it to Mr. Glawson.

17 Q. And after you left, where did you go?

18 A. I proceeded to the location, the meeting place, with
19 Rafiq Ahmad and Investigator Whitehead.

20 Q. And what did you do with the suspected cocaine that had
21 been sold to you by Mr. Glawson?

22 A. I gave it to Mr. Ahmad and Investigator Whitehead.

23 Q. Mr. Jordan, let me show you what's been marked as
24 exhibit number 31. Do you know what that is?

25 A. Yes.

1 Q. What is that?

2 A. It is the phone call of the transaction made on June
3 23rd.

4 Q. The transaction you just testified about?

5 A. The transaction I just testified.

6 Q. Did you have an occasion to listen to the contents of
7 that CD prior to coming to court?

8 A. Yes, I did.

9 Q. When you listened to it, did you notice any alterations
10 or changes to the phone call?

11 A. No, I didn't.

12 Q. And do your initials appear on that CD?

13 A. Yes, they do.

14 MR. CALHOUN: The government moves to admit number
15 31, Your Honor.

16 MR. HOGUE: Your Honor, I object based on the chain
17 of custody that has not been proven sufficient to admit that
18 in.

19 THE COURT: Overruled. 31 is admitted.

20 BY MR. CALHOUN:

21 Q. Now, Mr. Jordan, let me show you exhibit number 32 and
22 ask you to look at that. Do you recognize that?

23 A. Yes.

24 Q. And have you had occasion prior to coming to court to
25 today to compare 32 with 31?

1 A. Yes, I did.

2 Q. And is 32 a transcript of 31?

3 A. Yes, it is.

4 Q. And did you initial that transcript prior to coming to
5 court?

6 A. Yes, I did.

7 MR. CALHOUN: Your Honor, at this time the
8 government would like to play exhibit number 31, the phone
9 call.

10 THE COURT: Very well.

11 MR. CALHOUN: For the benefit of the jury, it should
12 be tab five.

13 *(Tape Played)*

14 BY MR. CALHOUN:

15 Q. Mr. Jordan, in the opening portion of that conversation,
16 it appears that you were arguing with Mr. Glawson about
17 something. Do you recall that? You were complaining about
18 something?

19 A. Yes. We was speaking about the first time I bought with
20 him, the weight of the crack cocaine.

21 Q. And another portion of that conversation, Mr. Glawson
22 tells you that "that's for that green, man." Did you know
23 what he was talking about?

24 A. Yes. He was meaning a scale that weighs marijuana
25 instead of crack cocaine.

1 Q. And another portion of that conversation you told
2 Mr. Glawson, "you hook me up with a half." What were you
3 talking about?

4 A. Would he hook me up with a half. That what I was going
5 to purchase, a half a cocaine -- crack cocaine.

6 Q. And as the conversation progressed, you told Mr. Glawson
7 or at least referred to "that other thing." What were you
8 talking about when you said "that other thing?"

9 A. I was talking about a gun.

10 Q. Mr. Jordan, let me show you what's been marked as exhibit
11 number 33 and ask you to look at that, please.

12 A. Yes.

13 Q. Do you recognize government's exhibit number 33?

14 A. Yes, I do.

15 Q. What do you recognize that to be?

16 A. That's the video that I viewed.

17 Q. Was that the video of that transaction that you just
18 described?

19 A. Yes, it was.

20 Q. And have you had occasion to look at that video prior to
21 coming to trial?

22 A. Yes.

23 Q. Did you initial that video?

24 A. Yes.

25 MR. CALHOUN: The government moves to admit number

1 33, Your Honor.

2 MR. HOGUE: No objection.

3 THE COURT: Admitted.

4 MR. CALHOUN: At this time we'd like to play this
5 and due to the audio, we'd like to turn the audio on the
6 videotape down, Your Honor.

7 THE COURT: Very good.

8 *(Videotape is played for the jury)*

9 MR. CALHOUN: Can you stop it right there, Milton?

10 BY MR. CALHOUN:

11 Q. Mr. Jordan, do you recognize this truck?

12 A. Yes, I do.

13 Q. Do you recall who was driving the truck?

14 A. Yes.

15 Q. Who was that?

16 A. Richard Glawson.

17 MR. CALHOUN: Go ahead, Milton. Stop it there.

18 Q. Do you recognize this person?

19 A. Yes, I do.

20 Q. Who was that?

21 A. Myself.

22 Q. And where are you going?

23 A. I'm going to -- on the inside of McDonald's now.

24 MR. CALHOUN: Go ahead, Milton. Stop it right
25 there, Milton.

1 Q. Mr. Jordan, is there a difference between your appearance
2 now and compared to what it was June 23rd, '03?

3 A. Yes, it is.

4 Q. And what difference is that?

5 A. It's about 40 pounds difference.

6 MR. CALHOUN: Go ahead, Milton.

7 Q. At this point, Mr. Jordan, what's taking place?

8 A. We're inside the restroom at McDonald's, and we're making
9 the transaction.

10 Q. And describe what took place inside that bathroom.

11 A. We went in, he proceeded to get the cocaine out of his
12 pocket, I got the money out of my pocket, handed it to him, he
13 handed me the crack cocaine, and I left out.

14 Q. When you say "he," who are you referring to?

15 A. I'm talking about Mr. Glawson.

16 Q. How much money did you give Mr. Glawson for that cocaine?

17 A. \$500.

18 Q. Now, these people who are coming in and out, they're not
19 involved in the transaction, are they?

20 A. No, they're not.

21 MR. CALHOUN: Stop it right there, Milton.

22 Q. Do you recognize this person, Mr. Jordan?

23 A. Yes, I do.

24 Q. And at this point had the transaction been completed?

25 A. Yes, it had.

1 MR. CALHOUN: Go ahead, Milton. Stop it there,
2 Milton.

3 Q. Mr. Jordan, did you see the shadowy figure in the door
4 there?

5 A. Yes, I do.

6 Q. Do you recognize who that is?

7 A. Yes.

8 Q. Who was that?

9 A. That's Richard Glawson.

10 MR. CALHOUN: Go ahead, Milton. Stop it there.

11 Q. Mr. Jordan, do you recognize the person in this truck?

12 A. Yes, I do.

13 Q. And who do you recognize that person to be?

14 A. Richard Glawson.

15 MR. CALHOUN: Go ahead Milton. Stop it there.

16 Q. And, again, do you see this person in court today?

17 A. Yes, I do.

18 MR. CALHOUN: Go ahead, Milton.

19 Q. Mr. Jordan, after you had made the purchase from Mr.
20 Glawson, where did you go?

21 A. I proceeded to the location to meet with Rafiq Ahmad and
22 Investigator Whitehead.

23 Q. And what did you do with the suspected crack cocaine that
24 you had purchased from Mr. Glawson?

25 A. I gave it to Rafiq Ahmad and Investigator Whitehead.

1 Q. Now, Mr. Jordan, prior to coming to court, did you have
2 an occasion to listen to a separate audiotape prepared by a
3 Deputy Johnson?

4 A. Yes.

5 Q. Let me show you what's been marked as government's
6 exhibit number 33 and ask you to look at that.

7 A. Yes.

8 Q. And do you recognize exhibit number 33?

9 A. Yes, I do.

10 Q. And what do you recognize it to be?

11 A. The actual drug transaction.

12 Q. Is that the audiotape of that transaction?

13 A. Audiotape, yes.

14 Q. Did you have an occasion to listen to that tape prior to
15 coming to court?

16 A. Yes, I did.

17 Q. When you listened to that tape, did you notice any
18 alterations or changes to that tape?

19 A. No, I didn't.

20 Q. Did you initial the tape prior to coming to court?

21 A. Yes, I did.

22 Q. And do your initials appear on that CD?

23 A. Yes, it does.

24 MR. CALHOUN: The government moves to admit number
25 33A, Your Honor.

1 MR. HOGUE: No objection.

2 THE COURT: Admitted.

3 BY MR. CALHOUN:

4 Q. Let me show you what's been marked as exhibit 34 and ask
5 you to look at that, please. Have you had occasion to review
6 that prior to coming to court?

7 A. Yes, I did.

8 Q. And what do recognize that to be?

9 A. The drug transaction.

10 Q. Is that a transcript of government's exhibit number 33A?

11 A. Yes, it is.

12 Q. Did you review that transcript prior to coming to court?

13 A. Yes, I did.

14 Q. Do your initials appear on that transcript?

15 A. Yes, it does.

16 MR. CALHOUN: At this time the government would like
17 to play 33A, and for the benefit of the jury --

18 THE COURT: Is this going to be an audio or a video?

19 STAFF: Audio.

20 MR. CALHOUN: For the benefit of the jury, Your
21 Honor, that would be tab six.

22 *(Tape played for the jury)*

23 Q. Mr. Jordan, when Mr. Glawson told you that "I keep mine
24 around on me," did you know what he was talking about?

25 A. Yes, I did.

1 Q. And what was that?

2 A. He was talking about his pistol.

3 Q. And what was all this conversation about anyway?

4 A. The conversation was about me buying a pistol.

5 Q. Now, drawing your attention to July 3rd of 2003, were you
6 still cooperating with the Special Agent Ahmad and other law
7 enforcement officers?

8 A. Yes, I was.

9 Q. Did you have occasion to meet with those officers on July
10 3rd, 2003?

11 A. Yes, I did.

12 Q. And what was purpose of that meeting?

13 A. The purpose of that meeting was to buy a firearm from Mr.
14 Glawson.

15 Q. Is that the same firearm that you had alluded to on June
16 23rd, 2003?

17 A. Yes.

18 Q. Now, when you met with the agents, were you searched?

19 A. Yes, I was.

20 Q. What kind of car were you using at the time?

21 A. I was using a black convertible Cavalier.

22 Q. And was your Cavalier searched?

23 A. Yes, it was.

24 Q. And was any contraband found either on you or inside your
25 Cavalier?

1 A. No, it wasn't.

2 Q. Now, when you met with the agents, did you make a phone
3 call?

4 A. Yes.

5 Q. And whom did you call?

6 A. I called Mr. Glawson.

7 Q. And were you able to speak with Mr. Glawson?

8 A. Yes, I was.

9 Q. And was that phone call recorded?

10 A. Yes, it was.

11 Q. Was it recorded with your permission?

12 A. Yes.

13 Q. Now, in essence, what did you discuss with Mr. Glawson
14 during that phone call on July 3rd, 2003?

15 A. I discussed purchasing a firearm from him.

16 Q. Now, at the end of that conversation, where did you go?

17 A. We proceeded to the location to meet Mr. Glawson.

18 Q. Let me show you what's been marked as government's
19 exhibit number 35 and ask to you look at that please. Do you
20 recognize government exhibit number 35?

21 A. Yes, I do.

22 Q. And what do you recognize that to be?

23 A. The phone call conversation between myself and
24 Mr. Glawson.

25 Q. On what day?

1 A. July 3rd.

2 Q. And did you have occasion to listen to that tape prior to
3 coming to court?

4 A. Yes, I did.

5 Q. When you listened to that tape, did you notice any
6 alterations or changes to that tape based on your conversation
7 with Mr. Glawson?

8 A. No, it wasn't.

9 Q. Now, did you initial that tape?

10 A. Yes, I did.

11 MR. CALHOUN: The government moves to admit exhibit
12 number 35, Your Honor.

13 MR. HOGUE: I object on the basis of the failure to
14 establish a chain of custody to authenticate the tape.

15 THE COURT: Overruled. 35 is admitted.

16 BY MR. CALHOUN:

17 Q. Let me show you exhibit number 36, Mr. Jordan, and ask
18 you to look at that, please.

19 A. Yes.

20 Q. Do you recognize exhibit number 36?

21 A. Yes, I do.

22 Q. And did you help prepare that transcript?

23 A. Yes, I did.

24 Q. Did you initial that transcript?

25 A. Yes, I did.

1 Q. And is 36 a transcript of 35?

2 A. Yes, it is.

3 MR. CALHOUN: Your Honor, at this time the
4 government would like to play the phone call designated as
5 government's exhibit number 35. For the benefit of the jury,
6 that would be number seven, Your Honor.

7 THE COURT: All right.

8 *(TAPE PLAYED)*

9 Q. Mr. Jordan, following that conversation with Mr. Glawson,
10 where did you go?

11 A. I went to wait on him at the location we was going to
12 meet at.

13 Q. What location is that?

14 A. The Chevron on Riverside Drive.

15 Q. Do you recall whether you arrived first or Mr. Glawson
16 arrived there first?

17 A. I arrived first. It took him a while to get there, so we
18 sat somewhere and waited on him.

19 Q. When you say "we sat," who are you talking about?

20 A. Myself and Katina Fort.

21 Q. And did Mr. Glawson eventually arrive at your location?

22 A. Yes.

23 Q. Do you recall what Mr. Glawson was driving when he
24 arrived?

25 A. He was driving a white pickup truck.

1 Q. Was that the same white pickup truck that you had seen
2 him in on those prior occasions?

3 A. Yes.

4 Q. On this occasion was he alone?

5 A. Yes, he was alone.

6 Q. And what took place when you met Mr. Glawson at that
7 location?

8 A. Mr. Glawson was on the outside of his truck, and I
9 proceeded to him with his hood up on his truck, and I went to
10 the driver's side, and he had the pistol wrapped up in some
11 newspaper, and I gave him the money, reached in and got it,
12 and we said a brief few words, and I got in my car and left.

13 Q. How long do you think you might have stayed at the
14 Chevron station before leaving?

15 A. Approximately three to five minutes.

16 Q. And you mentioned the firearm was wrapped in what? I
17 missed what you said?

18 A. Newspaper, something like that.

19 Q. What did you do with that firearm after you had purchased
20 it from Mr. Glawson?

21 A. I proceeded to the location and met with Rafiq Ahmad and
22 Richard Glawson -- and Investigator Whitehead, I'm sorry.

23 Q. Let me show you what's been marked as government
24 exhibit number 37, Mr. Jordan, and ask you to look at that
25 please. Do you recognize that?

1 A. Yes, I do.

2 Q. And what do you recognize that to be?

3 A. This is would be the video of the actual transaction.

4 Q. And the transaction, is that the one that you just
5 referred to involving the firearm?

6 A. Yes, it is.

7 Q. Did you have an occasion to look at that CD prior to
8 coming to court today?

9 A. Yes, I did.

10 Q. Did you initial that CD?

11 A. Yes, I did.

12 MR. CALHOUN: The government moves to admit number
13 37, Your Honor.

14 MR. HOGUE: No objection.

15 THE COURT: Admitted.

16 MR. CALHOUN: We ask that the videotape, exhibit
17 number 37 be played, and we ask Milton to turn the sound down
18 due to the quality of the tape.

19 *(Tape played)*

20 MR. CALHOUN: Stop it right there, Milton.

21 BY MR. CALHOUN:

22 Q. Mr. Jordan, do you recognize the two people depicted on
23 the screen?

24 A. Yes, I do.

25 Q. Could you identify both of those figures?

1 A. Myself and Richard Glawson.

2 Q. And which figure is you?

3 A. That's me with the dark colored shirt on.

4 Q. On the right of the screen?

5 A. Yes.

6 Q. And who's on the left of the screen?

7 A. Mr. Glawson.

8 Q. Does Mr. Glawson appear to be standing beside a vehicle?

9 A. Yes.

10 Q. Do you see the vehicle?

11 A. Yes, I do.

12 Q. And what vehicle is that?

13 A. The white pickup truck.

14 Q. Is that the same white pickup truck you had seen on prior
15 occasions?

16 A. Yes, it is.

17 MR. CALHOUN: Go ahead Milton. Stop it there.

18 Q. Do you recognize the figure standing by this truck?

19 A. Yes, I do.

20 Q. Who do you recognize that to be?

21 A. Richard Glawson.

22 MR. CALHOUN: Go ahead, Milton.

23 Q. Mr. Jordan, prior to coming to court, did you listen to
24 audiotape of the transaction that you just witnessed, you just
25 looked at?

1 A. Yes, I did.

2 Q. Let me show you what's been marked as government
3 exhibit number 18E. Do you recognize that?

4 A. Yes, I do.

5 Q. Is the conversation I just asked you about on that
6 particular tape?

7 A. Yes.

8 Q. And when you listened to that tape, did you notice any
9 alterations or deletions to that tape?

10 A. No, I didn't.

11 Q. Were you able to identify the voices on that particular
12 portion of the tape?

13 A. Yes, I was.

14 Q. And whose voices are on that particular portion?

15 A. Myself and Richard Glawson.

16 Q. And let me show you exhibit number 38. Do you recognize
17 that?

18 A. Yes.

19 Q. Is that a transcript of the conversation that you just
20 alluded to?

21 A. Yes, it is.

22 Q. Did you have a chance to review that transcript prior to
23 coming to court?

24 A. Yes, I did.

25 Q. And did you initial that transcript?

1 A. Yes, I did.

2 MR. CALHOUN: The government moves to admit
3 government number 18E, Your Honor.

4 MR. HOGUE: No objection.

5 THE COURT: Admitted.

6 MR. CALHOUN: For the benefit of the jury, I believe
7 this one is number eight.

8 *(Tape is played for the jury)*

9 BY MR. CALHOUN:

10 Q. Mr. Jordan, let me show you government exhibit number 52
11 and ask you to examine that, please. Do you recognize
12 exhibit number 52?

13 A. Yes, I do.

14 Q. What do you recognize that to be?

15 A. The firearm I purchased from Richard Glawson.

16 Q. Was that the purchase made on June 3rd, 2003?

17 A. Yes, it was.

18 Q. And what did you do with that firearm after you had
19 purchased it from Richard Glawson?

20 A. I took it to Rafiq Ahmad.

21 MR. CALHOUN: That's all I have for Mr. Jordan, Your
22 Honor.

23 CROSS EXAMINATION

24 BY MR. HOGUE:

25 Q. Mr. Jordan, you began direct exam earlier today by

1 telling the jury that you had been introduced to a person in
2 2003 whose name you had been told was Terry Green, right? And
3 it was Katina Fort who told you that this person's name was
4 Terry Green, correct?

5 A. Yes.

6 Q. And I noticed in one of the tapes that we heard,
7 specifically, the tape of the fourth phone call, dated June
8 23, 2003, where you were on the telephone speaking, you said
9 at one point "don't worry about that, you doing good business,
10 Terry." Do you remember that?

11 A. Right.

12 Q. And you said Terry because you thought that the name of
13 the person you were dealing with was Terry, right?

14 A. Right.

15 Q. Now, obviously we're four years and some months later and
16 just about every question Mr. Calhoun asked you about this
17 person that you knew then as Terry began with Mr. Glawson this
18 or Mr. Glawson that, and you used Mr. Glawson too, right?

19 A. Right.

20 Q. And, of course, you're aware no doubt from your
21 conversations with the government that the man sitting over
22 here next to me is named Richard Ben Glawson, right?

23 A. Right.

24 Q. Okay. And Mr. Calhoun also asked you whether anyone had
25 promised you a certain amount -- and those were his words --

1 of reduction in your sentence, and you said, no. And that's
2 true, no one has told you a specific amount you will get your
3 sentence reduced, right?

4 A. Right.

5 Q. But even though that hasn't occurred, you got a 170 month
6 sentence, right?

7 A. Right.

8 Q. On two counts, one count of drugs and one gun?

9 A. Uh-huh.

10 Q. Yes?

11 A. Yes.

12 Q. 110 months on the drugs and 70 months on the gun -- or
13 60 months on the gun, for a total of 170 months, right?

14 A. Right.

15 Q. And you had other charges that were dismissed, correct,
16 by the government?

17 A. Yes.

18 Q. And you knew when you made this deal with the government,
19 because you had a lawyer, and your lawyer and you discussed
20 it, that you were facing the possibility of a life sentence if
21 convicted, right?

22 A. No.

23 Q. Have you got your plea agreement there with you?

24 A. No, I don't.

25 Q. All right, we'll get one for you. *(Handing to witness).*

1 Now, I noticed on your plea agreement at the end of it it has
2 your signature, right? The very last page, page 11?

3 A. Yes.

4 Q. Above your signature it says: "I, James Albertus Jordan,
5 have read this agreement and had this agreement read to me by
6 my attorney, William Paul Christian. I have discussed this
7 agreement with my attorney, and I fully understand it and
8 agree to its terms." And then you sign it, right?

9 A. Right.

10 Q. And that's true?

11 A. That's true.

12 Q. And then he has another paragraph that I won't read that
13 he signed that says: I explained the whole thing to him, and
14 I think he gets it; he understands what it says. Is that
15 pretty much what his paragraph says?

16 A. Yes.

17 Q. And then each page of the entire 11-page plea agreement,
18 minus the last page where y'all signed, it has your initials
19 and your lawyer's initials on it, right?

20 A. Right.

21 Q. Indicating that, in fact, the two of you did read it
22 together and discuss it, right?

23 A. Right.

24 Q. Am I right?

25 A. You're right.

1 Q. Now, go to page two, paragraph three, subparagraph B
2 toward the bottom of page two. Are you with me?

3 A. Uh-huh.

4 Q. It says that "the defendant fully understands that the
5 defendant's plea of guilty as set forth in subparagraph A
6 above -- and that's the one that says you're pleading to the
7 one count of drugs and one count of guns, right?

8 A. Right.

9 Q. -- "will subject defendant on Count One to a minimum
10 mandatory sentence of five years imprisonment, up to a maximum
11 of 40 years imprisonment." With me?

12 A. Right.

13 Q. A maximum fine of \$2 million or both, right?

14 A. Right.

15 Q. And a term of supervised release of at least four years.
16 And on Count Two -- and Count Two is the gun and possession
17 during a drug crime -- and I'm reading now, again "to a
18 mandatory consecutive sentence --" and you understood that to
19 be mean on top of the drug sentence, right?

20 A. Right.

21 Q. "--of at least five years imprisonment, up to a maximum
22 sentence of life imprisonment?"

23 A. Uh-huh.

24 Q. Right?

25 A. Right.

1 Q. And you read that and signed it and understood it, right?

2 A. Right.

3 Q. Okay. So, when you cut your plea deal, you expected that
4 you would not get a life sentence, you'd get something less
5 than that, right, that's part of the deal?

6 A. I was going by what the district attorney told me at the
7 time we signed this plea agreement.

8 Q. Okay, when you say district attorney, you mean the
9 Assistant United States Attorney Charles Calhoun, right here?

10 A. No, I don't.

11 Q. District attorney. Some other prosecuting lawyer?

12 A. Yes. Paul Solis, I think is his name.

13 Q. Michael Solis?

14 A. Michael Solis.

15 Q. One of Charles Calhoun's colleagues, another assistant
16 United States attorney?

17 A. Right.

18 Q. Well, at any rate a prosecuting attorney for the
19 government was explaining that to you?

20 A. Right.

21 Q. Was your lawyer there?

22 A. Yes, he was.

23 Q. So you and your lawyer were talking to the government
24 lawyer about all these sentences, and then you understood my
25 question was that by entering your plea right off the bat, you

1 would get rid of the possibility of a life sentence, you were
2 going to get something less than that, right?

3 A. Right.

4 Q. In fact, you had some fair idea when you signed the plea
5 agreement and even before you started cooperating with the
6 government what sort of range your sentence could be in,
7 right?

8 A. Uh-huh.

9 Q. And it turned out pretty much in that range that you
10 expected -- 170 months is roughly what you thought you were
11 going to get when you entered the plea deal, right?

12 A. Right.

13 Q. Well, then, there's that other part of the plea deal
14 where you agree to cooperate with the government. Are you
15 familiar with that part?

16 A. Yes.

17 Q. Over on page six. And you'll see in that long paragraph
18 on page six some references to some United States Code
19 Sections and some rules under the sentencing guidelines, and
20 I'll use numbers, you tell me, you're familiar with, Section
21 5K1.1, a 5K motion. Are you familiar with that?

22 A. Yes.

23 Q. And then you'll see down there a Rule 35 motion, right?

24 A. Right.

25 Q. And you understood -- you read this and understood that

1 those meant these are motions that the government lawyer will
2 file for you after you go out and cooperate and do some drug
3 deals and the gun deal and that sort of thing, right?

4 A. Right.

5 Q. And your understanding then, and even today as you sit
6 here and testify is that the judge can take those motions that
7 the government files and reduce your sentence, cut your time
8 off?

9 A. Right.

10 Q. Even more than it already got cut off, right?

11 A. Right.

12 Q. So you caught a sentence of around 14 years, and after
13 today you'll hope and expect that the government will follow
14 through on that, file a motion or have a motion decided by a
15 judge, that reduces your sentence even further, right?

16 A. Right.

17 Q. And when Mr. Calhoun said no certain amount, he just
18 didn't say how much because that's up to judge based on what
19 he tells the judge about how much you helped them, right?

20 A. Right.

21 Q. And you said you made some phone calls to this person
22 named Terry. You got the number from Katina Fort?

23 A. Yes.

24 Q. And you didn't already know that number yourself. She's
25 the one who introduced you, and she's the one that had the

1 phone number, right?

2 A. Right.

3 MR. HOGUE: That's all I have, Your Honor.

4 MR. CALHOUN: Just one question, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. CALHOUN:

7 Q. Mr. Jordan, let me show you 52A again. What, if
8 anything, did Mr. Glawson do with that firearm before giving
9 it to you?

10 A. What did he do?

11 Q. Yes.

12 A. At the time he didn't do anything except let me know that
13 it was in proper place for me to get it, and I put the money
14 in the ashtray, and it was loaded, though, at the time when I
15 purchased it.

16 Q. Did you wipe that firearm down?

17 A. No, I didn't wipe it down.

18 Q. Do you recall if Mr. Glawson wiped it down?

19 A. I recall Mr. Glawson did wipe it down.

20 Q. What did he wipe it down with?

21 A. He had a rag or something.

22 MR. CALHOUN: Nothing further, Your Honor.

23 MR. HOGUE: No questions.

24 THE COURT: All right, sir, you may go down.

25 THE COURT: Ladies and gentlemen, we'll stop here

1 for^ here for the day. We'll resume the trial tomorrow
2 morning at 9 o'clock. Please be back in your jury room a few
3 minutes before that hour.

4 Let me give you some instructions to govern your
5 conduct as jurors tonight, and these instructions will remain
6 in effect for as long as you are members of this jury, that is
7 to say for the duration of the trial.

8 Don't discuss the case among yourselves outside of the
9 jury room. Don't discuss the case with other people. Don't
10 let other people discuss the case with you. All of the
11 information on which your verdict must be based must come to
12 you only as evidence during the trial and from no other
13 source.

14 I don't know that there will be any media accounts of
15 this trial, but if there are any television broadcasts or
16 radio broadcasts or newspaper stories, I ask you not to read
17 any of those things until the conclusion of the trial. When
18 the trial is over, you can read all of them.

19 The members of your family will want to know what
20 you're doing at the courthouse. Tell them that you've been
21 selected to serve on this jury and that you are hearing the
22 trial of this case. Tell them also that you have been
23 instructed not to discuss the case, and you ask them not to
24 question you about what's going on in the trial, and you
25 refrain from saying anything about what is going on in the

1 trial until the trial is over.

2 When it is concluded, you will be free to discuss the
3 case with anyone to whatever extent you may wish, but until
4 that time, please keep your own counsel. Do any of counsel
5 have any other instructions or requests to the jury?

6 MR. CALHOUN: Not by the government, Your Honor.

7 THE COURT: Mr. Hogue?

8 MR. HOGUE: No, Your Honor.

9 THE COURT: All right, you're excused until
10 9 o'clock tomorrow morning. Leave all of your things in the
11 jury room your notes and notebooks and those booklets.

12 *(Jury excused; 4:50 p.m.)*

13 THE COURT: Anything else from the government?

14 MR. CALHOUN: No, Your Honor.

15 THE COURT: From the defense?

16 MR. HOGUE: Yes, Your Honor. First, just so I can
17 make sure the record is clear about a series of objections
18 I've been making, and I've tried to be consistent about it,
19 but there was testimony from Lieutenant Billy Johnson
20 regarding all of the taped phone conversations, and I may have
21 lost track of each number, but my intention has been -- and
22 I'm not sure if I achieved this yet, so I want to do this now
23 -- to make an objection to each one of the phone conversations
24 that were taped because of the chain of custody issue
25 concerning Whitehead. Lieutenant Johnson's testimony was all

1 of the phone calls were, in his words, were handled by
2 Whitehead. So just to clarify the record, I think I may have
3 done it, but I just want to make sure.

4 The second thing is this, Your Honor, the court asked
5 in the presence of the jury that I offer a curative
6 instruction after I made a motion for mistrial at side bar
7 concerning government counsel's comments on a piece of
8 evidence I objected to, which essentially amounted to her
9 recounting what the evidence consisted of, and I refrained
10 from giving the answer to the court's question then that I'll
11 give now because the jury was present, and I didn't think it
12 would be fair to the trial, but I don't have a curative
13 instruction to offer because I don't think any instruction
14 would cure the error, and I didn't want to say that with the
15 jury here in the box, but I say that now, I offer no curative
16 instructions from the defense, I merely stand by the motion
17 for mistrial.

18 THE COURT: Very good, thank you. Anything else
19 from anyone?

20 MR. CALHOUN: Not by the government Your Honor.

21 THE COURT: All right, we'll be in recess until nine
22 o'clock tomorrow morning.

23 (*JURY TRIAL PROCEEDINGS ADJOURNED OCTOBER 29, 2007*)

24 ***I HEREBY CERTIFY THAT THE FOREGOING IS A CORRECT***
25 ***TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE***
ABOVE-ENTITLED MATTER THIS 7th DAY OF MAY, 2008.
S/SALLY L. GRAY, USCR,U.S. DISTRICT COURT, GAMD